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REPORTS

FROM

COMMITTEES:

SEVEN VOLUMES.

—*(3.)*—

METROPOLITAN RAILWAY COMMUNICATION (LORDS);
PRIVATE BILL LEGISLATION;
PRIVATE BILLS (COMMITTEE OF SELECTION).

Session

5 *February* —— 28 *July* 1863.

VOL. VIII.

1863.

REPORTS FROM COMMITTEES:

1863.

SEVEN VOLUMES:—CONTENTS OF THE

THIRD VOLUME.

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REPORT.

BY THE SELECT COMMITTEE appointed to inquire whether any, and, if any, which of the SCHEMES now before Parliament for the CONSTRUCTION of LINES of RAILWAY within the Limits of the METROPOLIS, can be proceeded with in the present Session without the risk of interfering with the future Adoption of a comprehensive PLAN of METROPOLITAN RAILWAY COMMUNICATION; and to consider what Provision can be made for the securing such a comprehensive System, with the greatest Advantage to the Public, and the least Inconvenience to the local Arrangements of the Metropolis; and to Report to the House: —

ORDERED TO REPORT,

THAT the Committee have met, and having considered the Bills referred to them according to the terms of the Reference, but without any consideration of their merits, they are of opinion that there is no reason why the following Bills should not be proceeded with in the ordinary course; viz.—

Midland Railway (Extension to London) Bill.

Barnes, Hammersmith and Kensington Railway Bill [H. L.] (the Agent for the Bill having informed the Committee that it is not intended to proceed with that portion of the Line between Kensington and the Junction with the West London Extension Railway).

Hammersmith and City Railway Bill [H.L.]

Victoria Station and Pimlico Railway Bill [H.L.]

Tottenham and Hampstead Junction Railway Bill [H.L.]

London, Chatham, and Dover Railway (No. 1) Bill [H.L.], (with the exception of the Thames Branch).

Ludgate Station and Junction Railways Bill [H.L.]

London, Brighton, and South Coast Railway (Extensions and Alterations, &c.) Bill.

And the Committee are also of opinion, that it is not expedient to proceed further with the

East London and Rotherhithe Railway Bill [H.L.]

Grand Surrey and Commercial Docks Railways Bill [H.L.]

Metropolitan, Tottenham, and Hampstead Railway Bill [H.L.]

Rotherhithe Railway Bill [H.L.]

London Railway (Victoria Section) Bill.

20 April 1863.

Brought from the Lords, 23 *July* 1863.

FIRST

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

ON

METROPOLITAN

RAILWAY COMMUNICATION.

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1863.

500.

Under 1 *oz.*

Brought from the Lords, 23 July 1863.

SECOND

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

ON

METROPOLITAN RAILWAY COMMUNICATION.

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1863.

500—I.

REPORT.

BY THE SELECT COMMITTEE appointed to inquire whether any, and, if any, which of the SCHEMES now before Parliament for the CONSTRUCTION of LINES of RAILWAY within the Limits of the METROPOLIS, can be proceeded with in the present Session without the risk of interfering with the future Adoption of a comprehensive PLAN of METROPOLITAN RAILWAY COMMUNICATION; and to consider what Provision can be made for the securing such a comprehensive System, with the greatest Advantage to the Public, and the least Inconvenience to the local Arrangements of the Metropolis; and to whom was referred the Petition of some of the Promoters of the Metropolitan, Tottenham and Hampstead Railway Bill [H.L.]; and to report to the House:—

ORDERED TO REPORT,

THAT the Committee have again met, and have considered the Petition of some of the Promoters of the Metropolitan, Tottenham and Hampstead Railway Bill [H.L.]

The Committee adhere to the recommendation which they have already made to the House on the subject of this Bill. As, however, the Promoters of the Bill state that "provisions have been agreed upon, and inserted in the Midland Railway Bill, providing for the mode of constructing the two Railways, so as to prevent interference the one with the other," the Committee recommend that an instruction should be given by the House to the Select Committee to which the Midland Railway Bill is referred, to hear the Promoters of the Metropolitan, Tottenham and Hampstead Railway Bill, on the question whether, in the event of the Midland Railway Bill passing, it would be proper to introduce into it any provision whereby the Promoters of the Metropolitan, Tottenham and Hampstead Railway Bill should be secured from being unduly prejudiced by the arrangements sanctioned in the Midland Railway Bill, in the event of their renewing their application to Parliament next year.

24 April 1863.

Brought from the Lords, 23 July 1863.

SECOND REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

ON

METROPOLITAN RAILWAY COMMUNICATION.

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1863.

500—I.

Under 1 *oz.*

Brought from the Lords, 23 July 1863.

THIRD

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

ON

METROPOLITAN RAILWAY COMMUNICATION;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1863.

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THIRD REPORT.

BY THE SELECT COMMITTEE appointed to inquire whether any, and, if any, which of the SCHEMES now before Parliament for the Construction of Lines of RAILWAY within the Limits of the METROPOLIS, can be proceeded with in the present Session without the risk of interfering with the future Adoption of a comprehensive Plan of Metropolitan Railway Communication; and to consider what Provision can be made for the securing such a comprehensive System, with the greatest Advantage to the Public, and the least Inconvenience to the Local Arrangements of the Metropolis; and to Report to the House:—And to whom leave was given to Report from time to time to the House:—

ORDERED TO REPORT,

THAT the Committee have met, and have considered the subject-matter referred to them, and have examined several of the officers of the Board of Trade; the managers or the representatives of the principal Railway Companies having stations in the Metropolis; several engineers engaged in the construction of Railways; the chairman and engineer of the Metropolitan Board of Works, and the surveyor of the Commission of Sewers of the City.

The Committee, having considered the Evidence, are of opinion—

1. That in determining the regulations which it may be expedient to apply to Railways within the Metropolis (hereinafter called the Metropolitan Railway District), it is desirable that the limits of the Metropolis prescribed to the Royal Commissioners of 1846 should be extended, those limits being the Edgeware-road from Oxford-street to the intersection of the New-road; the New-road and City-road to Finsbury-square; Bishopsgate-street; London Bridge; High-street, Borough; Blackman-street; Borough-road; Lambeth-road; Vauxhall-road; Vauxhall Bridge; Vauxhall Bridge-road; Grosvenor place; and Park-lane; and that the new limits should be as follows: commencing at the Barking-road Station of the North Woolwich Branch Railway; thence along that and the Great Eastern Railway to the Lea-bridge Station; thence in a straight line to the Seven Sisters Station, on the Great Northern Railway; thence in a straight line to the eastern end of the Hampstead Tunnel of the Hampstead and City Junction Railway; thence along such Railway to its junction with the West London Railway; thence in a southern and eastern direction along the West London and West London Extension Railway, across the River Thames, to the junction with the London, Chatham, and Dover Railway; thence along the London, Chatham, and Dover Railway to the Brixton-road Station; and thence, in a straight line to the Lewisham Junction Station of the Mid Kent Railway; and thence in a straight line to the Barking-road Station of the North Woolwich.

2 That squares and open spaces in the Metropolis should not be unnecessarily taken for the purposes of a Railway.

3. That it would be objectionable to allow the construction of a great Central Station in the Metropolis.

4. That in the construction of any new lines of Railway within the Metropolitan Railway District, subways, covered ways, or tunnels appear preferable, where circumstances admit of them.

5. That, with the view of giving further effect to the provisions in favour of the labouring classes contained in the 191st Standing Order, it is desirable,

"That in every Bill for making any work, in the construction of which compulsory power is given to take 30 or more houses inhabited by the labouring classes in any one parish or place, a clause be inserted to enact that the Company shall, not less than four weeks before taking any such houses, make known their intention to take the same either by personal notice to heads of families inhabiting the same, at the time of giving such notice, or by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and that the Company shall not take any such houses until they have obtained the certificate of a Justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner required by this provision."

6. That heavy traffic in goods, and especially in minerals, could as a general rule be most conveniently carried from the Railways lying north of the Thames, to the Railways lying south of the Thames, by lines not passing through the central portions of the Metropolis.

7. That there should be a line of Railway on the eastern side of the Metropolis connecting the Railways north and south of the Thames.

8. That it is desirable that additional facilities should be afforded, and less onerous arrangements in reference to tolls made for the passage by the Railways on the western side of the Metropolis of mineral and goods traffic from some of the northern Railways to the Railways and district of country south of the Thames.

9. That additional Railway communication is needed in the densely populated part of the Metropolis; and it is desirable that Railway communication, where it does not already exist, should be established between the various main lines of Railway.

10. That the Great Eastern Railway should be allowed to establish a more central station than it has at present, and be placed in communication with the lines running to the western part of the Metropolis.

11. That it is not desirable to bring the main stations of any of the principal long lines of Railway, except the Great Eastern, farther into London than is at present authorized, but that one or more Railways should be made for carrying passengers from different parts of London to the main stations of the long lines. Such new lines not to be in the hands of any one of the present great Companies, but placed under such management as to ensure equal advantages to all.

12. That it would also be desirable to complete an inner circuit of Railway that should abut upon, if it did not actually join, nearly all the principal Railway Termini in the Metropolis, commencing with the extension, in an easterly and southerly direction, of the Metropolitan Railway from Finsbury Circus, at the one end, and in a westerly and southerly direction from Paddington, at the other, and connecting the extremities of those lines by a line on the north side of the Thames; such a continuous line of Railway would afford means of distributing the passenger traffic arriving by the main lines of Railway, and also absorb a very large portion of the omnibus and cab traffic, and thus essentially relieve the crowded streets.

The suggested lines might be undertaken in connexion with the construction by the Municipal Authorities of the City, or the Metropolitan Board of Works, of new streets urgently required in many of the crowded parts of the Metropolis. Under some of these new streets, and under a portion of the proposed Thames Embankment (North side), and under some of the existing wide thoroughfares, new lines of Railway might be advantageously and economically constructed; and arrangements might be made by which Railway Companies might, in consideration of being allowed to construct their lines under the streets and the

the Thames Embankment, without charge for the land, be willing to undertake the construction of other parts of the lines required for completing the circuit of communication, which if constructed not in connexion with such cheap lines, would be so expensive as to be unremunerative.

It would be desirable that an outer circle of Railway should be formed within the Metropolitan Railway district, in its course intersecting and communicating with the principal lines of Railway North of the River Thames. It might be found convenient to bring this outer circle, at certain points, into communication with the inner circle.

13. The Committee are of opinion that every such system of internal Railway communication for the Metropolis should be under one management, and they are of opinion that this might be secured without interfering with the existing practice of allowing free competition in plans by providing, through a Standing Order (to be made in both Houses),

"That, in the notices for any Bill for constructing a Railway, or any work in "connexion therewith, within the Metropolitan Railway district, it should be "stated that the Bill may be so altered in its course through Parliament as to "unite the whole, or some portion of such Railway or work, with some one or "more other proposed or existing Railway or work."

14. It has been suggested that a Commission should be appointed, to consider the whole subject of making Railways in the Metropolis; but to this there are great objections. The appointment of such a Commission must, almost unavoidably, lead to much delay in the actual commencement of the works that might ultimately be decided on; nor is it likely that any Commission could be appointed, the judgment of which would be accepted as conclusive by Parliament; and even if a Commission should succeed in proposing a plan for the extension of Railways in the Metropolis which should meet with general acceptance, it would still remain to be determined to whom the construction of the projected lines should be entrusted, and how the capital required for them should be raised.

15. The Committee are of opinion that if the general views which they have explained should be deemed satisfactory by the House, some means should be taken to render future legislation conformable with the principles which have been laid down. And, with this view, they would suggest that, in the next Session, and also in any succeeding Session, if necessary, a Select Committee should be appointed before the second reading of the Bills for considering the different schemes for the construction of lines of Railway within the Metropolitan Railway district which may then be before the House, and to report their opinion upon such schemes with reference to the recommendations of this Committee, such Report to be made to the House before the second reading of the Bills.

16. That it would be desirable that the Board of Trade should make, soon after the commencement of each Session of Parliament, a general Report relating to all proposed Railways or Works connected with Railways, which affect the Metropolitan Railway district, and that the Report so made should be referred to the proposed Committees.

17. That copies of the Plans and Bills relating to such schemes should be deposited with the Metropolitan Board of Works, and the Commissioners of Sewers for the City, in order that these bodies may, if they think fit, present Reports to Parliament on any of the proposed schemes; and that any Report so presented should be referred to the proposed Committees.

18. That arrangements should be made between the two Houses of Parliament, that all Bills proposing to sanction the construction of Railways within the Metropolitan Railway District should originate in one House, and should be grouped together, and referred to the same Select Committee.

And the Committee have directed the Minutes of Evidence taken before them, together with an Appendix, to be laid before your Lordships.

16 July 1863.

ORDER OF REFERENCE.

Die Jovis, 16° *Aprilis* 1863.

Moved, "That a Select Committee be appointed to inquire whether any, and if any, which "of the schemes now before Parliament for the Construction of Lines of Railway within the "Limits of the Metropolis, can be proceeded with in the present Session without the risk of "interfering with the future adoption of a comprehensive Plan of Metropolitan Railway Com-"munication; and to consider what provision can be made for the securing such a compre-"hensive system, with the greatest advantage to the public, and the least inconvenience to "the local arrangements of the Metropolis" (The Lord President):

The Lords following were named of the Committee:

The Committee to meet To-morrow, at Four o'clock, and to appoint their own Chairman:

Lord President.	Viscount Eversley.
Duke of Buckingham and Chandos.	Lord Wodehouse.
Earl of Devon.	Lord Redesdale.
Earl of Shaftesbury.	Lord Colchester.
Earl Cowper.	Lord Somerhill.
Earl of Carnarvon.	Lord Stanley of Alderley.
Earl Grey.	Lord Belper.
Earl of Lonsdale.	Lord Lyveden.
Earl of Stradbroke.	Lord Taunton.

The following Bills referred for the consideration of the Committee:

Midland Railway (Extension to London) Bill:
Barnes, Hammersmith, and Kensington Railway Bill [H.L.]:
East London and Rotherhithe Railway Bill [H.L.]:
Grand Surrey and Commercial Docks Railways Bill [H.L.]:
Hammersmith and City Railway Bill [H.L.]:
Metropolitan, Tottenham, and Hampstead Railway Bill [H.L.]:
Rotherhithe Railway Bill [H.L.]:
Victoria Station and Pimlico Railway Bill [H. L.]:
Tottenham and Hampstead Junction Railway Bill [H.L.]:
London, Chatham, and Dover Railway (No. 1.) Bill [H.L.]:
London Railway (Victoria Section) Bill [H.L.]:
Ludgate Station and Junction Railways Bill [H.L.]:
London, Brighton, and South Coast Railway (Extensions and Alterations, &c.) Bill.

Die Lunæ, 20° *Aprilis* 1863.

Leave given to the Select Committee to report from time to time to the House.

Die Veneris, 24° *Aprilis* 1863.

The Evidence taken before the Select Committee from time to time, to be printed for the use of the Members of this House; but no copies thereof to be delivered, except to the Members of the Committee, until further order.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Veneris, 17° *Aprilis* 1863.

LORDS PRESENT:

Lord President.	Lord Redesdale.
Duke of Buckingham and Chandos.	Lord Colchester.
Earl Cowper.	Lord Belper.
Earl Grey.	Lord Lyveden.
Earl of Lonsdale.	Lord Taunton.
Viscount Eversley.	

Order of Reference, read.

Order of the House of yesterday, empowering the Committee to appoint their own Chairman, read.

It is proposed, That the *Lord President* do take the Chair.

The same is agreed to, and the *Lord President* takes the Chair accordingly.

The course of Proceeding is considered.

Ordered, That the Committee be adjourned till Monday next, One o'clock.

Die Lunæ, 20° *Aprilis* 1863.

LORDS PRESENT:

Lord President.	Lord Redesdale.
Duke of Buckingham and Chandos.	Lord Colchester.
Earl Cowper.	Lord Somerhill.
Earl of Lonsdale.	Lord Stanley of Alderley.
Viscount Eversley.	Lord Belper.
Lord Wodehouse.	Lord Lyveden.

The LORD PRESIDENT, in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in and examined (*vide* the Evidence); viz., Lieutenant Colonel *William Yolland*, R.E., *William Dashwood Fane*, Esq., *Robert Fowler*, Esq., *James Burchell*, Esq., *Thomas Coates*, Esq.

It is then moved by the Chairman, "That the Committee having considered the Bills "referred to them according to the Terms of the Reference, but without any consideration "of their merits, are of opinion that there is no reason why the following Bills should not "be proceeded with in the ordinary course;" viz.

Midland Railway (Extension to London) Bill.

Barnes, Hammersmith, and Kensington Railway Bill (H. L.) (The Agent for the Bill having informed the Committee that it is not intended to proceed with that portion of the line between Kensington and the Junction with the West London Extension Railway).

Hammersmith and City Railway Bill (H. L.)

Victoria Station and Pimlico Railway Bill (H. L.)

Tottenham and Hampstead Junction Railway Bill (H. L.).

London, Chatham, and Dover Railway (No. 1) Bill (H. L.), (with the exception of the Thames Branch).

Ludgate Station and Junction Railways Bill (H. L.).

London, Brighton, and South Coast Railway (Extensions and Alterations, &c.) Bill.

And the Committee are also of opinion, "That it is not expedient to proceed further with "the following Bills;" viz.

East London and Rotherhithe Railway Bill (H. L.).

Grand Surrey and Commercial Docks Railways Bill (H. L.).

Metropolitan, Tottenham, and Hampstead Railway Bill (H. L.).

Rotherhithe Railway Bill (H. L.).

London Railway (Victoria Section) Bill (H. L.).

The same is agreed to, and the Draft of a Report to that effect having been prepared, the same is read by the Clerk and agreed to (*Vide* the Report).

Ordered, That the Lord in the Chair do make the said Report to the House.

Ordered, That the Committee be adjourned till Friday next, One o'clock.

Die Veneris, 24° *Aprilis* 1863.

LORDS PRESENT:

Lord President.	Lord Wodehouse.
Duke of Buckingham and Chandos.	Lord Redesdale.
Earl Cowper.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Earl of Lonsdale.	Lord Stanley of Alderley.
Earl of Stradbroke	Lord Belper.
Viscount Eversley.	Lord Lyveden.

The LORD PRESIDENT, in the Chair.

Order of Adjournment, read.

Order of the House of Monday last, giving leave to the Committee to report from time to time to the House, read.

Order of the House of yesterday referring to the Committee a Petition of some of the Promoters of the Metropolitan, Tottenham, and Hampstead Railway Bill (H. L.), read.

The Proceedings of the Committee of Monday last are read.

The Petition referred to the Committee is read, and it it is then moved by the Chairman, "That the Committee adhere to the recommendation which they have already made to the "House on the subject of this Bill. As, however, the Promoters of the Bill state that 'pro- "visions have been agreed upon, and inserted in the Midland Railway (Extension to London) "Bill, providing for the mode of constructing the two Railways, so as to prevent inter- "ference the one with the other,' the Committee recommend that an instruction should be "given by the House to the Select Committee to which the Midland Railway (Extension "to London) Bill is referred, to hear the Promoters of the Metropolitan, Tottenham and "Hampstead Railway Bill, on the question whether, in the event of the Midland Railway "(Extension to London) Bill passing, it would be proper to introduce into it any provision "whereby the Promoters of the Metropolitan, Tottenham and Hampstead Railway Bill "should be secured from being unduly prejudiced by the arrangements sanctioned in the "Midland Railway (Extension to London) Bill, in the event of their renewing their appli- "cation to Parliament next year."

The same is agreed to, and the Draft of a Report to that effect having been prepared, the same is read by the Clerk, and agreed to.—(*Vide* the Report).

Ordered, That the Lord in the Chair do make the said Report to The House.

The following Witnesses are then called in and examined (*vide* the Evidence); viz., *James Booth*, Esq., Lieutenant Colonel *William Yolland*, R.E., *Seymour Clarke*, Esq., *William Cawkwell*, Esq.

Ordered, That the Committee be adjourned till Friday next, One o'clock.

Die Veneris, 1° *Maii* 1863.

LORDS PRESENT:

Lord President.	Lord Colchester.
Earl of Lonsdale.	Lord Stanley of Alderley.
Viscount Eversley.	Lord Belper.
Lord Wodehouse.	Lord Lyveden.
Lord Redesdale.	Lord Taunton.

The LORD PRESIDENT, in the Chair.

Order of Adjournment, read.

Order of the House of Friday last that the evidence taken from time to time be printed for the use of the Members of this House, but that no copies thereof be delivered, except to the Members of the Committee, until further Order, read.

The Proceedings of the Committee of Friday last, are read.

The following Witnesses are called in, and examined:—(*Vide* the Evidence), viz., *James Allport*, Esq., *Charles Alexander Saunders*, Esq., *Arthur Wightman*, Esq., *George Parker Bidder*, Esq.

Ordered, That the Committee be adjourned till Monday next, Two o'clock.

Die Lunæ, 4° *Maii* 1863.

LORDS PRESENT:

Lord President.	Lord Redesdale.
Earl Cowper.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Earl of Lonsdale.	Lord Stanley of Alderley.
Viscount Eversley.	Lord Belper.
Lord Wodehouse.	Lord Lyveden.

The LORD PRESIDENT, in the Chair.

Order of Adjournment, read.

The Proceedings of the Committee of Friday last, are read.

The following Witnesses are called in, and examined:—(*Vide* the Evidence), viz., *Cornelius Willes Eborall*, Esq., *John Parson*, Esq., *James S. Forbes*, Esq.

Ordered, That the Committee be adjourned till Friday next, Two o'clock.

Die Veneris, 8° *Maii* 1863.

LORDS PRESENT:

Lord President.	Lord Redesdale.
Duke of Buckingham and Chandos.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Earl of Lonsdale.	Lord Belper.
Viscount Eversley.	Lord Lyveden.
Lord Wodehouse.	Lord Taunton.

The LORD PRESIDENT, in the Chair.

Order of Adjournment, read.

The Proceedings of the Committee of Monday last, are read.

The following Witnesses are called in, and examined:—(*Vide* the Evidence), viz., *Archibald Scott*, Esq., *Frederick Slight*, Esq., *Robert Stanley Mansel*, Esq., *John Fowler*, Esq.

Ordered, That the Committee be adjourned till Tuesday next, Two o'clock.

Die Martis, 12° *Maii* 1863.

LORDS PRESENT:

Lord President.	Lord Redesdale.
Earl Grey.	Lord Colchester.
Earl of Lonsdale.	Lord Belper.
Viscount Eversley.	Lord Lyveden.
Lord Wodehouse.	

The LORD PRESIDENT, in the Chair.

Order of Adjournment, read.

The Proceedings of the Committee of Friday last, are read.

The following Witnesses are called in, and examined: — (*Vide* the Evidence), viz., *John Thwaites*, Esq., *John Hawkshaw*, Esq., *James Brunlees*, Esq.

Ordered, That the Committee be adjourned till Friday next, Two o'clock.

Die Veneris, 15° *Maii* 1863.

LORDS PRESENT:

Lord President.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Viscount Eversley.	Lord Stanley of Alderley.
Lord Wodehouse.	Lord Belper.
Lord Redesdale.	Lord Lyveden.

The LORD PRESIDENT, in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last, are read.

The following Witnesses are called in, and examined :—(*Vide* the Evidence), viz., *William Baker*, Esq., *William Haywood*, Esq., *Joseph Cubitt*, Esq., and *George Willoughby Hemans*, Esq.

Ordered, That the Committee be adjourned till Monday next, Two o'clock.

Die Lunæ, 18° *Maii* 1863.

LORDS PRESENT:

Lord President.	Lord Stanley of Alderley.
Earl Grey.	Lord Belper.
Earl of Lonsdale.	Lord Lyveden.
Viscount Eversley.	Lord Taunton.
Lord Redesdale.	

The LORD PRESIDENT, in the Chair.

Order of Adjournment, read.

The Proceedings of the Committee of Friday last, are read.

The following Witnesses are called in, and examined :—(*Vide* the Evidence), viz., *Joseph William Bazalgette*, Esq., Lieut. Colonel *William Yolland*, R.E.

Ordered, That the Committee be adjourned till Thursday, the 25th of June next, Two o'clock.

Die Jovis, 25° *Junii* 1863.

LORDS PRESENT:

Lord President.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Earl of Lonsdale.	Lord Stanley of Alderley.
Earl of Stradbroke.	Lord Belper.
Viscount Eversley.	Lord Lyveden.
Lord Wodehouse.	Lord Taunton.
Lord Redesdale.	

The LORD PRESIDENT, in the Chair.

Order of Adjournment, read.

The Proceedings of the Committee, of Monday the 18th of May last, are read.

A Draft of a Report is laid before the Committee by the Chairman.

Paragraph 3 of the Draft Report is read, and is as follows, viz.:

"That it is desirable that Railway communication for passenger traffic should be established "between the principal Railways lying north of the River Thames, and those lying south "of the River Thames. It is not, however, desirable to multiply the number of separate "lines of Railway from the north to the south; but, so far as practicable, to make a limited "number of lines of Railway available for the use of the several Railway Companies."

It is then moved by the Lord *Redesdale*, to leave out, "lying north of the River Thames, and those lying south of the River Thames," in lines 2 and 3 of the paragraph.

Objected to.—On Question, That the words proposed to be left out stand part of the paragraph:

Content.	Not Content.
Lord President.	Earl Grey.
Earl of Stradbroke.	Earl of Lonsdale.
Viscount Eversley.	Lord Wodehouse.
Lord Colchester.	Lord Redesdale.
Lord Stanley of Alderley.	Lord Somerhill.
Lord Belper.	
Lord Lyveden.	
Lord Taunton.	

Paragraph 8 of the Draft Report is read, and is as follows, viz.:

"That additional Railway communication is needed in the densely populated part of "the metropolis; and it is desirable that Railway communication, where it does not already "exist, should be established between the various main lines of Railway. This might "probably, it appears to your Committee, be best effected, in the present state of the "Railways constructed or authorised to be constructed in the metropolis, by the completion "of an inner circuit of Railway that should abut upon, if it did not actually join, nearly all "the principal Railway termini in the metropolis, commencing with the extension, in an "easterly and southerly direction, of the Metropolitan Railway from Finsbury Circus, at the "one end, and in a westerly and southerly direction from Paddington, at the other, and "connecting the extremities of those lines by a direct line on the north side of the Thames. "Such a continuous line of Railway would afford means of distributing the passenger traffic "arriving by the main lines of Railway, and also absorb a very large portion of the "omnibus and cab traffic, and thus essentially relieve the crowded streets."

It is then moved by the Earl *Grey*, to insert the following paragraph after (Railway) in line 4 of paragraph 8, viz.:

"That it is not desirable to bring the main stations of any of the principal long lines "of Railway, except the Great Eastern, farther into London than is at present authorized, "but that one or more Railways should be made for carrying passengers from different "parts of London to the main stations of the long lines. Such new lines not to be in the "hands of any one of the present great companies, but placed under such management as "to ensure equal advantages to all."

Objected to.—On Question, That the proposed paragraph stand part of the Draft Report:

Content.	Not Content.
Earl Grey.	Lord President.
Earl of Lonsdale.	Lord Wodehouse.
Earl of Stradbroke.	Lord Somerhill.
Viscount Eversley.	Lord Stanley of Alderley.
Lord Redesdale.	Lord Lyveden.
Lord Colchester.	
Lord Belper.	
Lord Taunton.	

Ordered, That the Committee be adjourned till Friday, the 3d of July next, Two o'clock

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Die Veneris, 3° *Julii* 1863.

LORDS PRESENT:

Lord President.	Lord Stanley of Alderley.
Earl Grey.	Lord Belper.
Viscount Eversley.	Lord Lyveden.
Lord Wodehouse.	Lord Taunton.
Lord Colchester.	

The LORD PRESIDENT, in the Chair.

Order of Adjournment, read.

The Proceedings of the Committee of Thursday, the 25th of June last, are read.

The Draft Report is again considered, and several further amendments are made therein.

Ordered, That the Committee be adjourned till Thursday next, Two o'clock.

Die Jovis, 9° *Julii* 1863.

LORDS PRESENT:

Lord President.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Viscount Eversley.	Lord Stanley of Alderley.
Lord Wodehouse.	Lord Belper.
Lord Redesdale.	

The LORD PRESIDENT, in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last, are read.

The following Draft Resolutions proposed by the Earl *Grey,* are laid before the Committee by the Chairman; viz.:

"A difficult and important question arises as to the steps that ought to be taken, in order "to ensure that Bills for authorizing the construction of Metropolitan Railways, in conformity "with the views explained above, shall be prepared and passed without undue expense or "delay. This object can hardly be attained without a departure from the usual mode of "bringing Railway Bills under the consideration of Parliament. If the ordinary course is "to be followed with respect to Bills for Metropolitan lines, there can be little doubt that the "success of the present Metropolitan Railway will bring into the field many competitors for "the privilege of constructing additional lines through various parts of London. A protracted "and costly Parliamentary struggle between the promoters of the rival projects must there-"fore be looked for, if this is to be permitted. Nor can any confidence be felt that such a "contest would lead to a satisfactory result; no one of the projects brought before "Parliament

" Parliament might prove to be in all respects a good one, and yet the Committees of the " two Houses to which they would be submitted would possess no power of making changes " of importance in the schemes they were asked to sanction, but would only have the " choice of passing or rejecting them.

" This mode of proceeding might also very probably lead to having the power of " constructing railways in different parts of the metropolis, entrusted to two or more distinct " and perhaps hostile companies, which would not fail to be the source of great inconvenience. " Experience has proved that neither the advantage of the public nor that of the proprietors " of railways is promoted by having the same district of country served by different companies, " which if independent of each other are necessarily more or less rivals. Such a state of " things has generally led in the first instance to a competition highly injurious to the share- " holders, and ultimately to a combination of the competing companies, often without much " regard to the interests of the public. The numerous cases in which Parliament has of late " years sanctioned the amalgamation of different railway companies, the benefit which the com- " panies have derived from such arrangements, and the increasing tendency to adopt them, all " point to the conclusion that railway traffic in any one district can be managed with greater " advantage to all parties by a single company than by several that are independent of each " other. If this is true with respect even to large districts, it must be eminently so in the " very contracted area of the interior of the metropolis. It is obvious that within such narrow " limits, two or more independent companies could not work without extreme inconvenience, " and that sooner or later it would be necessary to unite them. But if placing all the lines " of railway that may be constructed for the local traffic of the interior of the metropolis " under the management of a single company is the arrangement that must ultimately be " resorted to, it would clearly be better that it should be adopted in the first instance.

" These considerations lead to the inference that, instead of leaving the right of " making railways in the heart of London to be contended for by rival projectors and com- " panies, it would be desirable that Parliament should entrust to some competent authority, " the duty of submitting to it a well digested plan for the construction and working of such " railways. With this view it has been suggested that a commission should be appointed to " consider the whole subject, but to this there are objections which seem to be insuperable. " The appointment of such a commission must, almost unavoidably, lead to much delay in " the actual commencement of the works that might ultimately be decided on, nor is it likely " that any commission could be appointed, the judgment of which would be accepted as " conclusive by Parliament; and even if a commission should succeed in proposing a plan " for the extension of railways in the metropolis which should meet with general acceptance, " it would still remain to be determined to whom the construction of the projected lines " should be entrusted, and how the capital required for them should be raised. Looking to " these difficulties, and to the fact that a line which must form a very considerable part of " any system of railways within the metropolis, is already in possession of an existing com- " pany, it appears to the Committee that the best course that could be pursued, would be to " invite that company (which would probably be glad to accept the invitation) to submit to " Parliament a scheme for the extension of its operations, so as to afford the additional " accommodation required for the internal traffic of London, upon the understanding that if it " should propose a satisfactory plan, Parliament would refuse to entertain competing proposals " coming from any other quarter.

" But though the reasons they have assigned in favour of this arrangement would " to a certain extent apply to its being made to extend to the whole metropolis, it does " not appear to the Committee that the public advantage absolutely requires that the " area within which the existing Metropolitan Railway Company should have the exclusive " privilege of asking Parliament, during the next Session, for power to construct railways " should be so large. And as they consider it important not to go beyond the necessity of " the case in proposing an arrangement of so novel a character, they recommend that it " should apply only to that part of London which is included between the existing line of " the Metropolitan Railway Company, and another passing round by Notting Hill, the Ken- " sington Museum, and the Victoria station to the river. Without debarring the Metropolitan " Railway Company from asking Parliament for power to extend their operations beyond " these limits, if they should think fit, the Committee do not consider it to be necessary to " exclude other companies from making similar proposals, except within the comparatively " narrow limits they have described. They consider it the more advisable to restrict their " proposal in this manner from their looking to the probability that another and exterior line " of communication may be formed between the lines of railway ending in London, and that " it may be found expedient to keep this in different hands from the inner line.

" The Committee, therefore, recommend that the exclusive right of proposing Bills to " Parliament, in the ensuing Session, for the construction of railways within the area above " described should be offered to the Metropolitan Railway Company; but this offer must of " course be subject to the condition that proper provision be made for securing a due consi- " deration of the public interest in planning the new lines of railway, in working them when " completed, and also in fixing the terms upon which the power of constructing them should " be granted to the Company. The following arrangements are those which have appeared " to the Committee to be best calculated to accomplish these objects.

" 1st. The plans, &c., for the construction of any railways within the above limits

" for which the Metropolitan Railway Company may propose to apply for Bills in the " ensuing Session, instead of being deposited, as required by the Standing Orders, in " the Parliamentary Offices, at the end of November, to be then sent to the Board of " Trade, the Metropolitan Board of Works, and the City Commissioners of Sewers. " The time for depositing these plans in the Parliamentary Offices, as well as for serving " the notices required by the Standing Orders, to be extended for one month, so as to " allow of changes being made at the suggestion of the Board of Trade, the Board of " Works, or the City authorities.

" 2d. The Board of Trade to be called upon to make a report to Parliament on any " Bills so proposed by the Metropolitan Railway Company, and the Board of Works " and the City Commissioners of Sewers to be empowered also to submit reports to " Parliament upon these Bills, if they should think fit.

" 3d. No Bills for the construction of Railways within the above limits, except such " as may be thus presented by the Metropolitan Railway Company, to be received by " Parliament in the ensuing Session.

" 4th. The Metropolitan Railway Company to be relieved from the necessity of " making the usual deposit in the Bank of England of a proportion of the capital " required for lines projected by it in the metropolis. [The reasons which make it highly " proper that such a deposit should be required in general from the promoters of Railway " Bills, would not apply in this case, and the Company would be saved a considerable " expense, by being excused from making it.]

" 5th. If portions of the Railways proposed by the Metropolitan Railway Company " should pass under the line of projected new streets, the cost of purchasing the property " required for these works to be divided between the Metropolitan Railway Company " and the Metropolitan Board of Works, in such proportions as may be agreed upon " between them, and provision to be made for giving effect to such agreement in the " Bills submitted to Parliament.

" 6th. The capital required for the construction of additional works undertaken by " the Metropolitan Railway Company, to be raised by new shares (with the usual " borrowing power in proportion to that amount) to be disposed of by public compe- " tition; the premium received on such shares (if any), to be paid to the Company, and " applied as part of its capital.

" 7th. The Metropolitan Railway Company, in consideration of the advantages " conferred upon it by the above arrangements, to be required annually to lay before the " Board of Trade full accounts of its receipts and expenditure; and whenever the balance " of the former shall be such as to enable the Company to pay to the shareholders a " dividend exceeding eight per cent., one-half of the excess to be paid over to the " Metropolitan Board of Works, to form a fund applicable to the expense of new works, " calculated to afford additional accommodation to the public.

" 8th. The agreement for the working of the Metropolitan Railway by the Great " Western Railway Company to be put an end to as soon as it conveniently may be; and " provision to be made by law for enforcing such arrangements in the working of the " Metropolitan Railway as may be necessary for giving to the several long lines of railway " ending in the Metropolis, as nearly as possible equal advantages and accommodation " with regard to the conveyance of passengers and goods between different parts of the " Metropolis, and the main stations of their lines.

" The Committee believe that the foregoing arrangements would afford the best prac- " ticable means of securing to the public the advantage of railway communication through " the part of London to which they would apply, in the most convenient manner, and at the " smallest expense. If the House should be of the same opinion, the Committee would " suggest that a resolution, expressing the assent of the House to the views stated in this " Report, should be passed, and should be communicated to the House of Commons with the " Report, and a request for the concurrence of that House in the steps it would be necessary " to take, in order to carry its recommendations into effect."

The same are read.

Objected to:—And on Question, resolved in the Negative.

Ordered, That the Committee be adjourned till Thursday next, Two o'clock.

Die Jovis, 16° *Julii* 1863.

LORDS PRESENT:

Lord President.	Lord Stanley of Alderley.
Earl of Lonsdale.	Lord Belper.
Lord Wodehouse.	Lord Lyveden.
Lord Redesdale.	

The LORD PRESIDENT, in the Chair.

Order of Adjournment, read.

The Proceedings of the Committee of Thursday last, are read.

The Draft Report is again considered; several further Amendments are made therein, and the same is agreed to.—(*Vide* the Report.)

Ordered, That the Lord in the Chair do make the said Report to the House.

MINUTES OF EVIDENCE.

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LORDS PRESENT:

Lord President.	Lord Redesdale.
Duke of Buckingham & Chandos.	Lord Colchester.
Earl Cowper.	Lord Somerhill.
Earl of Lonsdale.	Lord Stanley of Alderley.
Viscount Eversley.	Lord Belper.
Lord Wodehouse.	Lord Lyveden.

THE LORD PRESIDENT in the Chair.

Evidence on Metropolitan Railway Communication.

Colonel W. Yolland, R.E.

20th April 1863.

COLONEL WILLIAM YOLLAND, R.E., is called in, and examined as follows:

1. *Chairman.*] YOU are an Inspector in the Railway Department of the Board of Trade?

Yes, I am one of the Inspectors.

2. As such, you have been lately called on by the Board of Trade to report to the House of Lords upon the different schemes seeking railway communication with the metropolis?

Yes, I have.

3. In paragraph 1 of your Report you refer to the Report of the Royal Commission of 1846, and give the limits of the metropolis as defined and adopted by that Commission?

Yes.

4. In paragraph 17 you use the words "Metropolis proper"?

As defined by the Commissioners of 1846.

5. Is there any information which you can give to the Committee with regard to those limits. In your opinion, are they the proper limits for the Committee now to consider, or has any change taken place either with regard to railway communication within those limits, or with regard to buildings without the limits which would necessitate a change?

I think the limits are narrow; they are too circumscribed for the present state of the metropolis, and the amount of building that is going on in various directions.

6. Can you suggest any limits which you think would more accurately describe them?

I have not considered the question; but the cursory view that I took of the subject was, that it was actually a narrow limit, which certainly should be strictly observed for the future.

7. Lord *Stanley* of Alderley.] Is there not some map which shows those limits?

Yes.

8. *Chairman.*] I think you have some maps which you can lay before the Committee?

Yes. [*The same are handed in.*]

9. Do either of these maps show what you consider the true metropolitan area?

No; they do not on a large scale; the limits are only shown on the small scale maps given in my report.

Colonel W. Yolland, R.E.

20th April 1863.

10. Lord *Lyveden.*] Can you state to the Committee what were the reasons of the Commission of 1856 fixing those limits to the metropolis?
I do not know them.

11. They are not stated in their report?
They are not.

12. *Chairman.*] I believe it was a reference to them laid down by the late Sir James Graham?
Yes.

13. The limits assigned in that report are "the Edgeware-road, from Oxford-street to the intersection of the New Road; the New Road and City Road to Finsbury-square; Bishopsgate-street; London Bridge; High-street, Borough; Blackman-street; the Borough Road; Lambeth Road; Vauxhall Road; Vauxhall Bridge; Vauxhall Bridge-road; Grosvenor-place; and Park-lane"?
That is an extract from the instructions to the Commissioners of 1846.

14. Without defining the exact limits, in which direction do you think it would be necessary to extend those limits?
More to the west.

15. Lord *Somerhill.*] From the west into the town?
To extend the western limits further to the west.

16. Lord *Stanley* of Alderley.] Do you propose to include Kensington?
Yes.

17. Lord *Wodehouse.*] What is the western limit?
Grosvenor-place.

18. Lord *Redesdale.*] Grosvenor-place is where the Pimlico Station is, is it not?
Yes, the Pimlico Station is just outside those limits.

19. *Chairman.*] Would any of the schemes that are now before Parliament affect that western portion which you think ought to be included within the limits of the metropolis?
Yes; there are two schemes which are mentioned in my report which would be affected by it; one is called the London Railway (Victoria Section), and the other is called the Barnes, Hammersmith and Kensington.

20. Duke of *Buckingham and Chandos.*] Would you not extend the limits eastward as well as westward?
I think it would be very desirable; but you will notice that the eastern part of the metropolis is better provided in some respects with railway communication than the western part. It is seen best by referring to the small diagram given in my report. The stations at Bishopsgate-street, Fenchurch-street, and London Bridge, approach within a very short distance of the business part of the City. It is not so with reference to the great termini on the western side of London.

21. My question referred more particularly to the area which is built over, and which might be interfered with by new railways?
It would be desirable to extend it in the east.

22. In fact, buildings connected extend up to Victoria Park now?
They do.

23. That is half a mile beyond your limits, is it not?
More than that.

24. Does not the building extend nearly down to the East India Docks?
Yes, it does.

25. It is one continuous street, in fact?
Yes.

26. Lord *Stanley* of Alderley.] In point of fact there is railway communication through all that portion of the town?
There is a railway communication in all that part of the town.

27. Lord

27. Lord *Lyveden.*] Have you considered the subject sufficiently to be enabled to say where you would draw the Western line?

No, I have not.

28. *Chairman.*] I understand you to say, you do not think it desirable that the limit should be extended in the north, but you think it very desirable that the limit be extended in the west, and you think it might also be somewhat extended in the east?

Decidedly so, on account of the docks.

29. Duke of *Buckingham and Chandos.*] You do not think it necessary to extend it northwards?

I think the northern part is better provided for than the rest. The North London Railway encircles London on the northern side, and on the south there are many lines already authorised which go far towards making a complete circle, although at a considerable distance from the central area.

30. *Chairman.*] I will now go through the four different Groups into which in your Report you have divided the Railways. The first, the Great Eastern Railway, is no longer before Parliament?

No.

31. Will you state what is the character of the Midland Railway Extension from Bedford to London?

The Midland Railway has already a goods station of considerable area in London, and the object of the Bill is to obtain a main line of communication bringing the Midland from Bedford into the goods station, and to extend it still further south, to close upon the Metropolitan Railway, instead of sending their traffic over the Great Northern by way of Hitchin and King's Cross.

32. I believe the Committee do not wish to enter into any question whatever as to the merits or demerits of the scheme; but they would be glad to know what is your opinion with regard to whether this Bill should be heard before a Select Committee as a line which would not interfere with the internal metropolitan arrangements?

I think it would be very desirable to exclude the Midland Railway Bill; it does not pass into the metropolitan area.

33. Lord *Lyveden.*] Then you think that Bill might proceed in the usual course?

I do; to stand on its own merits.

34. It does not in any way interfere with the probable future communication between the Great Western, the Great Northern, and other lines?

The communication existing between the Great Northern and the Great Western, at the present moment, is by means of the Metropolitan Railway.

35. That is an underground communication?

Yes.

36. With which the extension of the Midland would not interfere?

No.

37. Lord *Stanley* of Alderley.] The station, in fact, is to the north of that—to the north of the New Road?

Yes.

38. Lord *Redesdale.*] There is another line that you have put in Class D, called the Metropolitan, Tottenham, and Hampstead line, which runs north of the Metropolitan; should you propose that that line should also be allowed to proceed?

No; I think that should be considered with reference to the question of providing metropolitan communication for the suburban districts of London. It crosses the proposed line of the Midland Railway on a level, and there would be between Euston Square and King's Cross no less than four important terminal stations, independent of the Metropolitan, if the Midland and the Metropolitan, Tottenham, and Hampstead Railways are sanctioned.

39. That is entirely a question as to the merits of the line; but what I mean is, whether upon any principle upon which you admit the Midland Company to

Colonel W. Yolland, R.E.

20th April 1863.

have their line up to the New Road, and to terminate north of the Metropolitan Railway, you can exclude from having a hearing before a Committee the Metropolitan, Tottenham, and Hampstead Railway?

No, I do not think you can exclude it.

40. Lord *Stanley* of Alderley.] Without entering into any comparison of the merits of these lines in point of principle, you can see no distinction between the two?

Just so.

41. So far as interfering with the Metropolitan area?

Yes.

42. *Chairman.*] Now, with regard to the next Bill mentioned in your Report, No. 3, Ludgate Station Junction Railway, that might be also included in Group D., might it not?

I might explain that that Bill is in substitution for an Act which has already received the sanction of the Legislature.

43. That would be another consideration; although it is quite right to be put in Group A., it also would not have been wrong to put it in D.?

Quite so; if there had been no Act sanctioned for carrying the London, Chatham, and Dover to the Junction with the Metropolitan Railway at Farringdon-street, then I should have classed it in Schedule D.

44. What is your opinion as to the Ludgate Station and Junction Railway Bill being a proper one to be referred to a Select Committee?

Again, if there had been no Act for the London, Chatham, and Dover Line to join the Metropolitan Railway at Farringdon-street, I should have said decidedly that it ought to take its chance with other Metropolitan Bills; but I have been told by the promoters that if this Act is thrown out, they will proceed upon the original Bill.

45-6. Lord *Redesdale.*] You are aware that the London, Chatham, and Dover Company has a Bill before Parliament also?

Yes.

47. Therefore Parliament is in a position to make conditions, if they consider it necessary and desirable to do so?

I do not know how far Parliament can apply conditions to the Ludgate Station Act.

48. Lord *Stanley* of Alderley.] Do you say that if they should not obtain powers for the extension which they are now requiring, it is their intention to proceed with their original plan?

Yes.

49. To what extent would those powers go; would they be sufficient to enable them to make a terminus?

Yes; undoubtedly their powers would enable them to cross Ludgate Hill, covering Ludgate Hill by a bridge of 150 or 160 feet wide, if they think proper, and then to join the Metropolitan further north beyond the end of Farringdon-street.

50. Duke of *Buckingham and Chandos.*] Was no limitation laid down?

No; nothing beyond the limits shown on the Parliamentary plans.

51. Was not the number of rails specified?

No.

52. *Chairman.*] Then I understand that they have the power of interfering with the general scheme for the future for Metropolitan Railways without any further assistance from Parliament?

So I understand.

53. Then, is it your opinion that Parliament would be able to obtain better conditions for the public by considering the Bill than by rejecting their request for these additional powers?

I think it would be very desirable to endeavour to obtain better provisions for the public.

54. Have

54. Have you at all considered any instructions which it would be possible to give to the Select Committee on the consideration of the subject which would insure the least amount of evil from the further construction of these Railways?

It might be a question for the consideration of the Committee whether, if they passed the Bill, they might not insist upon some provision binding the company to go for a line of deviation passing under Ludgate Hill, instead of over Ludgate Hill; which is quite practicable, but would not be the same line as the present line.

55. Lord *Redesdale.*] You are sure it is quite practicable?

I am sure it is perfectly practicable.

56. Is it practicable in connexion with the bridge they have over the Thames?

It is practicable in connexion with the bridge over the Thames. I do not mean to say that it will not be more expensive.

57. But you are certain it is practicable?

I am quite certain it is practicable.

58. Lord *Stanley* of Alderley.] Do you think that if premission is given to them to go on with this Bill in the present shape, it would be reasonable to attach conditions which might obviate the objections which exist to their present Act?

The company might plead that they would be subject to great hardship in being obliged to construct a more expensive line than they had originally obtained the sanction of the Legislature for; but, speaking with a view to the public interest, I think it would be very desirable that such a condition should be attached.

59. Duke of *Buckingham and Chandos.*] How long do their present powers endure?

Only till August.

60. That is, their compulsory powers?

Yes, for the acquisition of land; I have understood that they have been giving notices.

61. Is there anything in their Bill with regard to financial powers?

Certainly, as regards giving powers to make arrangements with other Railway Companies.

62. *Chairman.*] Now we come to the next Group, B.; I will ask you generally what is the character of that group?

For improving existing railway communications, those already constructed, or those already sanctioned, one or the other.

63. Do any of these involve such an extension as materially to interfere with the general plan of Metropolitan communication?

I do not think any do.

64. Therefore, in your opinion, it would be desirable to allow all these to proceed in the usual course, and to depend on their own merits?

Undoubtedly so.

65. Lord *Stanley* of Alderley.] Do none of this class cross the Thames?

One is for doubling the Victoria bridge over the Thames; in fact, two of those Railways cross the Thames; the London, Chatham, and Dover is one, and the Brighton, which is called the Victoria Station and Pimlico Station in my report, is the other. I believe only one goes forward as regards another bridge over the Thames.

66. They both terminate at the Victoria Station?

They do; one commences at Long-hedge Farm and ends at Victoria Station. This line at present is exceedingly crowded, and has objectionable curves and bad gradients.

67. Does this new line not interfere with many houses?

It interferes with houses in Pimlico contiguous to the Victoria Station, but not many beyond it.

Colonel W. Yolland, R.E.

20th April 1863.

68. Lord *Redesdale.*] Do you know whether 1, 3, and 4, of the London, Brighton, and South Coast Railway Extension and Alterations have all passed the Committee of the House of Commons?
I think No. 1 has; I am not sure about 3 and 4, but I will ascertain.

69. Lord *Lyveden.*] I understand you to say that these Bills you would allow to proceed?
All those in Schedule B.

70. Has the Tottenham and Hampstead Junction Railway anything to do with the Metropolitan, Tottenham, and Hampstead?
It has the same engineer, and is, I am informed, to join the Tottenham and Hampstead Junction Railway, but the junction is not shown on the plans.

71. One does not depend upon the other?
No.

72. Duke of *Buckingham and Chandos.*] The London Railway affects a great many buildings in Pimlico, does it not?
Yes; the London Railway is certainly one which will affect any future scheme. I do not think that it is in Schedule B.; it is No. 29 in Schedule D. I should state that there is a misprint in the Report; it should be Victoria Section, instead of Victoria Station; it is 2 miles 77 chains in length; that scheme is quite distinct from the Victoria Station and Pimlico Railway, which is No. 6 in the list.

73. *Chairman.*] There is a Railway which was mentioned the other day, the Metropolitan, which does not seem to be placed by you in this Group?
The Metropolitan Railway Bill is for the acquisition of land contiguous to the existing line.

74. Now we come to Group C., of which I believe none of the Bills remain before Parliament, except the Barnes, Hammersmith and Kensington?
That remains.

75. That Bill would not interfere with the limits as laid down by the Commission of 1846?
No; it will not approach so far as those limits.

76. Supposing that if we are to take a larger area to the west, in your opinion would it materially interfere with any general scheme?
It would, according to the Bill as lodged; but I have been informed to-day that the promoters only propose to go on with that Bill as far as the West London Extension Railway.

77. Lord *Lyveden.*] That is beyond Kensington, and far beyond the limits you have described?
Yes.

78. Lord *Redesdale.*] Do you mean that they do not intend to go to Kensington?
They do not; they stop at the West London Extension Railway.

79. Lord *Somerhill.*] Is it proposed to stop at that point?
It is proposed to form a junction.

80. And to have a joint station?
They propose to join; nothing is said about a station.

81. Lord *Redesdale.*] Would you couple the permission to the Barnes, Hammersmith, and Kensington Railway to proceed during the present Session with any condition?
With the condition that the portion east of the West London Extension line be dropped.

82. Are they to join the West London Railway?
Yes; they propose to join the West London Extension Railway.

83. Lord *Stanley* of Alderley.] You are of opinion that they should only be allowed to proceed on the condition of not proceeding further than the junction with the West London Extension?
Exactly so.

84. *Chairman.*]

84. *Chairman.*] Then we come to the railways south of the Thames, of which the Wimbledon and Streatham, the Putney, Balham and City Junction, and the London, Chatham, and Dover Bill (No. 2) to Epsom and Sutton, are no longer before Parliament?
Yes, that is so.

85. Then with regard to the next, which is the London, Brighton, and South Coast, South London, Tooting and Sutton Junction, what is the character of that?
That has passed through the House of Commons, and has now come up to the House of Lords.

86. Lord *Redesdale.*] With some alterations, I think?
Very possibly. I am not acquainted exactly with what has been done with it. I simply state that it has been sent up to the House of Lords.

87. *Chairman.*] You are of opinion that it might follow the usual course?
I think that that Bill should rest upon its own merits.

88. Then, the next is No. 21 in your list, Nos. 1, 2, 3 of the London, Chatham, and Dover Railway, No. 1?
That, I should imagine, should stand on its own merits.

89. Lord *Stanley* of Alderley.] Where does it go to?
It is for the purpose of making a railway from Peckham through Greenwich to Woolwich.

90. *Chairman.*] Now, we come to Group D. I think you have already given your opinion, that the Metropolitan, Tottenham, and Hampstead is a line which, upon principle, stands upon the same footing as the terminus of the Midland Railway?
Just so.

91. Lord *Lyveden.*] With this difference, that it is agreed that the Midland Extension Line should not join the Metropolitan Railway?
That has been given up by the Midland.

92. *Chairman.*] In your report on the Metropolitan, Tottenham, and Hampstead Railway you say: "This is one of several schemes which propose to form junctions with the Metropolitan Railway; and it may be doubted whether that line, as at present constructed, will be able to accommodate any of them." Does not that make a distinction between this line and any other?
It does.

93. Duke of *Buckingham and Chandos.*] Is the junction between the Midland and the Metropolitan given up before Parliament?
It is struck out of the Bill.

94. Lord *Stanley* of Alderley.] Are there any ulterior views with regard to this, or is it meant only to be a self-existing line to accommodate suburban traffic?
The object of the Promoters is, I believe, to induce the Great Eastern to use that line for the Cambridge traffic.

95. Lord *Wodehouse.*] Is the Tottenham and Hampstead an existing line?
It is a line in course of construction.

96. Duke of *Buckingham and Chandos.*] Going across a large public square like Euston Square would be a considerable interference with Metropolitan communications?
It would prejudice the locality, undoubtedly.

97. It does, I think, propose to take the square?
It proposes to take a portion of the square.

98. For the station?
For the station.

99. Lord *Stanley* of Alderley.] Still it does not appear to you that there are any circumstances connected with this railway which should authorise this Committee

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mittee to deal with it upon a different principle to that upon which we propose to deal with the Midland Railway?

There are some grounds for doing so; and I think one ground is, that it will probably prejudice the future proceedings with respect to obtaining a more westerly terminus for the Great Eastern.

100. But merely upon principle?
Not upon mere principle.

101. Upon the principle of interfering with the internal Metropolitan communications, you think there is no ground for treating it in a different manner to that in which it is proposed to treat the Midland?
I do not think so.

102. *Chairman.*] The Northern and Southern, the Regent's Circus, the Albert Station, and Mid London, the Leicester-square, Hammersmith, Kew and Richmond, the Kensington, Knightsbridge and Metropolitan, and the Pimlico and Paddington Bills, are no longer before Parliament?
No.

103. Then the next is the London Railway (Victoria Section)?
That is a railway which does not actually touch the Metropolitan boundary, as defined by the Commissioners in 1846; but it approaches it closely, and its construction certainly might materially interfere with future comprehensive schemes for the whole of the Metropolis.

104. Lord *Redesdale.*] Are you speaking of the Victoria Section, or the Victoria Station?
The Victoria Section.

105. In this list it is called Victoria Station?
That is a misprint; it should be "Section."

106. Lord *Stanley* of Alderley.] In point of fact, that would stand very much in the same position as the Extension of the Barnes, Hammersmith and Kensington, which it is proposed to stop?
Just so.

107. So that if it is considered right to prevent their asking for power to go beyond the West London Extension Line, upon the same grounds it would be objectionable to allow this Bill to proceed?
I think so.

108. *Chairman.*] The next is the East London and Rotherhithe?
That is a line for obtaining railway communication between the Blackwall Railway, on the north side of the river, and the South Eastern, London, Brighton and South Coast, or the London, Chatham and Dover, as the case may be, on the south side, passing through the Thames Tunnel. The next three railways are virtually competing schemes to each other; the Rotherhithe Railway is an alternative line to the East London and Rotherhithe. In the event of the line through the Tunnel being considered bad, then it is proposed that the Rotherhithe Railway Bill should stand. It is proposed by the same parties, and is intended to be in opposition to, and to compete with the Grand Surrey and Commercial Docks Railway Bill, and No. 4 of the London, Chatham and Dover, No. 1 or Thames Branch.

109. Lord *Somerhill.*] At present they wish to use the Tunnel?
The first Bill proposes to use the Tunnel.

110. That is the line they would prefer?
If that is held not expedient upon other grounds, then the Promoters would fall back upon the other one.

111. *Chairman.*] In your opinion the East London and Rotherhithe Railway, the Grand Surrey and Commercial Docks Railway Bill, and No. 4 of the London Chatham and Dover, No. 1, Thames Branch Bills, ought to be suspended, in order to give time for the consideration of a general Metropolitan scheme?
I think so. This is not the first time that a scheme has been proposed for utilising the Thames Tunnel. Many years ago, a different scheme was proposed, which was much less objectionable as regards engineering details, but which would have required a good deal more money.

112. Lord

112. Lord *Redesdale.*] Do you propose, therefore, to stop the railroad there?
I say these four Bills should be stopped.

113. Do they come within your definition of lines entering the Metropolitan district?
No, they do not; but they are in the same position as the railways I have just adverted to on the western side of the Metropolis, such as the London Railway, and the Barnes, Hammersmith and Kensington. If either of these lines are constructed, not passing under the river, but up to the river, that, probably, will prevent the future construction of any line that will utilise the Thames Tunnel.

114 That is to say, if any one of these four lines proposes to utilise the Thames Tunnel, it will interfere with any other line which may hereafter propose to do so?
I beg pardon; what I meant to say was this: supposing, for instance, that the Thames Tunnel scheme was rejected, and the question of merits was entered upon, with reference to the three remaining schemes, the adoption of either of those would probably for the future shut out the idea of making a line parallel to it, but passing under ground through the Tunnel to the opposite side of the Thames.

115. Then you consider that the London and Rotherhithe is an incomplete scheme, because it does not join any railway on the south side of the Thames?
I should not put it on that ground; but if the Rotherhithe Railway were sanctioned by Parliament, it would, for the future, probably prevent the adoption of any other line utilising the Tunnel, and that, if constructed as proposed, it would not utilise the Tunnel.

116. Do you consider that it is an impracticable line as laid down?
I think the East London and Rotherhithe Railway bad as regards engineering details.

117. Duke of *Buckingham and Chandos.*] I understand you to mean that the Rotherhithe Railway, if sanctioned, would prevent any other line going through the Tunnel?
Yes.

118. Because that is made to reach the water's edge on a level?
While the other dips down.

119. The Tunnel line, as I understand it on the map, is, in fact, an incomplete scheme, because it has only a portion through the Tunnel and a little piece on each side of the river, and has not been carried out in connection with other lines?
Quite so.

120. Lord *Somerhill.*] Then, if I understand rightly the general tenor of your evidence, what you mean is, that this Tunnel being the only passage for a railroad below London Bridge, no great Metropolitan scheme could afterwards be devised if you give up the occupation of that Tunnel to any one single line?
Precisely.

121. That makes this particular branch more important to have than any others of the same length?
In my opinion it does.

122. Lord *Lyveden.*] If you consider the Metropolitan, Tottenham, and Hampstead to stand upon the same footing as the Midland Extension from Bedford, may I ask you why you did not put it under the same head?
I looked upon it as purely a suburban line.

123. You now consider it, upon reflection, as one of the lines seeking a terminus in the Metropolis, and that is why you put it under the definition of Class A.?
No, I do not.

124. Lord *Redesdale.*] Does not the Metropolitan, Tottenham and Hampstead Junction stand something in the same position as the London Railway (Victoria Station)?
In respect of providing for suburban traffic it does, but not to the same extent,

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as any line intended to run in an easterly and westerly direction north of the Metropolitan Railway above the natural surface of the ground would meet with impediments from the Midland if sanctioned, from the London and North Western and the Great Northern Railways. Such a line underground would meet with the same impediments from the Metropolitan, Tottenham, and Hampstead line.

125. Duke of *Buckingham and Chandos.*] Does not the Metropolitan, Tottenham, and Hampstead Junction proceed upon a different level?
It is underground.

126. The Midland is over?
Yes.

127. Lord *Wodehouse.*] Do the Metropolitan, Tottenham, and Hampstead effect a junction with the Metropolitan Railway?
They propose to do so.

128. Lord *Lyveden.*] Upon reconsideration, and after what you have heard, do you adhere to your division of the heads as being the proper one?
Yes, I do; with the exception of the Barnes, Hammersmith and Kew.

129. Lord *Redesdale.*] Would you suggest that any condition should be attached to the proposed passenger station of the Midland Railway?
In what respect?

130. That it should be granted conditionally in any respect with regard to the Metropolitan arrangements as to ulterior communication with the Metropolitan or any other lines that might be recommended for the adoption of Parliament in the ensuing Session?
It might be desirable to do that, but I am not prepared at present to state what kind of condition should be insisted upon.

131. Lord *Colchester.*] With respect to the Midland line as at present proposed, would it not entirely prevent the Regent Circus line being adopted?
I think not. The Regent Circus scheme, if I recollect rightly, proposes to start from the middle of the King's Cross station, and would not probably interfere with the proposed station.

132. If the Regent Circus Line comes out at the King's Cross Station it would block up the Euston Road?
It would raise the Euston Road, and pass under it.

133. The whole of the ground to the westward of that road is at present to be taken by the Midland Station?
Yes. I do not think the Midland interferes with the construction of the Regent Circus Line.

134. *Chairman.*] Will you recapitulate those railways which you think might be allowed to proceed, and those which you think should be prevented from making any further progress. The Midland Railway Extension from Bedford to London with a terminus at the Euston Road, you are of opinion should be allowed to proceed?
Yes.

135. The Ludgate Station and Junction Railway, for the reasons which you have given, you think should be allowed to proceed, but you would annex conditions?
Decidedly.

136. No. 5 in your list, which is "Nos. 5. 6, 7, and 8, and Victoria Station of the London, Chatham, and Dover Railway, No. 1," you are of opinion should be proceeded with?
Yes.

137. The Victoria Station and Pimlico Railway widening proposed by the London, Brighton, and South Coast Railway Company, No. 1 of the London, Brighton, and South Coast Railway Company (Extension and Alteration), and No. 3 of the London, Brighton, and South Coast Railway (Extension and Alteration), the Tottenham and Hampstead Junction Railway (Branches), and the Hammersmith and City Railway (Junction with the Great Western Railway), you think should be allowed to proceed?
Yes.

138. Then,

138. Then, with regard to the Barnes, Hammersmith, and Kensington, you recommend that that should be allowed to proceed, with conditions?
Exactly.

139. Then, with regard to the London, Brighton, and South Coast, South London, Tooting, and Sutton Junction, and Nos. 1, 2, and 3 of the London, Chatham, and Dover Railway, No. 1, you recommend that they should be proceeded with?
I think they should be allowed to proceed.

140. Then, with regard to the London Railway (Victoria Station), the East London and Rotherhithe, the Rotherhithe Railway, the Grand Surrey and Commercial Docks' Railway Bill, and No. 4 of the London, Chatham and Dover, No. 1, Thames Branch, you recommend that they should be suspended in order to afford an opportunity for the further consideration of Metropolitan communications?
Exactly.

141. Lord *Somerhill.*] You have mentioned that certain courses would end in the conglomeration within a small space of a certain number of termini. Have you any decided opinion as to the expediency or inexpediency of the termini of the different railways being near one another in the same district of the Metropolis?
I think the more the termini of the railways are distributed the better it will be. The extension of many of the existing lines into the Metropolis would be certainly advantageous to the public, and tend to clear the streets of London. I think the idea of a central station is now considered to be very objectionable.

142. Duke of *Buckingham and Chandos.*] With regard to the Tottenham and Hampstead, is the level such as if made it would interfere with communications either from the Great Northern or the North Western being carried to the North London extension?
Not if the extension be constructed on the surface.

143. Lord *Stanley* of Alderley.] Is it a central line?
Yes.

144. Lord *Redesdale.*] Does it go under the North London Railway?
Yes, it is under the North London Railway; from the Junction Road all the way down to the Metropolitan Railway it is all tunnel or covered way.

145. Duke of *Buckingham and Chandos.*] On the map it runs parallel half-a-mile or so with the Metropolitan?
It does; it passes through Euston Square.

146. Taking the present level of the Great Northern or the North Western Stations, would it be such as in your opinion would interfere with your carrying on those lines in a western direction?
If the extension of the Great Northern was above the surface, it would not interfere with it.

147. If it was carried on on its present incline, dipping downwards, it would not interfere with it?
No.

148. Lord *Stanley* of Alderley.] Is it intended to form a junction with the Metropolitan?
It proposes to form a junction with the Metropolitan.

149. Duke of *Buckingham and Chandos.*] Would it prevent such a communication as was authorised some years ago between the North Western and the Metropolitan lines?
I am not prepared to answer; I understand the question perfectly; but without knowing the proposed junction which was intended to be made between the Metropolitan and the North Western, I am not prepared to state; I think, as far as my recollection goes, that those lines were not proposed to join. The rails were to be brought up to, but not on a level with the North Western Station.

150. They were to be brought up rather below?
Yes, with a lift.

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151. Would that be prevented, or not?
Yes. A question was asked, whether the Midland would not interfere with the proposed Regent Circus Railway. At the time it was put I had not the plan before me; it is quite possible that it might, as far as the acquisition of land by the Midland was concerned; but means might be introduced to prevent such an interference, if Parliament thought it wholesome to do so. The Regent Circus line proposed to start from the centre of the King's Cross Station.

152. Lord *Stanley* of Alderley.] Would not that portion of the Tottenham line which runs parallel with the Midland come between the Midland and the terminus of the North Western?
Certainly.

153. Might it not have the effect of preventing some future communication between the North Western and the Metropolitan, or any other line in the projected internal Metropolitan arrangements?
Certainly, it might do so.

154. Would not the permission to that Railway to go on, be a possible or probable interference with some future arrangements for a joint Metropolitan system of Railways?
Yes, it might interfere with an extension of one of the great main lines of Railway.

155. In point of fact, would it not be an interference with any future communication between the North Western and any central station within the Metropolis?
It might do so, dependent on the manner in which that proposed extension was proposed to be made.

156. To that extent then, would it not be fair to say, that, permitting that line to go on, would be permitting a line to go on which would interfere with some general comprehensive Metropolitan system of arrangement?
Yes.

The Witness is directed to withdraw.

WILLIAM DASHWOOD FANE, Esquire, is called in, and examined as follows:

W. D. Fane, Esq.

157. *Chairman.*] WHAT is your position in the Board of Trade?
I am Legal Assistant to the Board of Trade.

158. What is your chief occupation connected with Railways in the Board of Trade?
During the Session I have to prepare reports upon all the Railway Bills which come before Select Committees of either House.

159. It is the desire of this Committee to make a selection of Bills, distinguishing those which would interfere with any general scheme of railway communication within the limits of the Metropolis, and allowing others to proceed in the usual course before Select Committees. I think you have heard the summing up of the evidence which Colonel Yolland has given, in favour of some, and against others?
Yes; but I had not before a list enabling me to understand to which Bills the numbers referred.

160. No. 2, the Midland Railway (Extension to London), Colonel Yolland contends should be allowed to proceed. With regard to No. 3, which is the Ludgate Station and Junction Railway, considering the circumstance that the Company have already obtained power to cross Ludgate Hill, he is of opinion that it would be desirable that that Bill should be allowed to proceed, although it does interfere with a general system of Metropolitan railway communication, but subject to the conditions which he thinks might make the Act passed two years ago more acceptable in its provisions to the public?
It is not exactly the same Company. This is a new Company to be constituted for this purpose, and to obtain the same powers which the London, Chatham, and Dover Company have already acquired.

161. Are

161. Are you of opinion that it would be desirable upon those grounds to allow it to proceed?
I think so.

162. Then, with regard to all the schemes in Group B, which are still before Parliament, Colonel Yolland has given evidence in favour of their being allowed to proceed in the usual manner?
I know no reason why they should not be proceeded with.

163. With regard to the Barnes, Hammersmith, and Kensington Railway, which is No. 14 in Group C., Colonel Yolland's recommendation is to this effect, that it should be allowed to go before the Select Committee in the usual manner, but with the condition that it shall not be extended east of the West London Extension; are you of that opinion?
Quite so.

164. Then, with regard to the London, Brighton, and South Coast Railway, (South London, Tooting, and Sutton Junction), and the London, Chatham, and Dover Railway, No. 1, Colonel Yolland is of opinion that they should be proceeded with in the usual manner; are you of the same opinion?
I think so; the Admiralty have made an objection, which they have made known to the Board of Trade, to two of the lines, the London, Chatham and Dover Railway schemes, Nos. 2 and 3.

165. That would be a question of merits, would it not?
A question of merits entirely.

166. Then with regard to No. 23, in group D, which is the Northern and Southern Railway (City Junction), the recommendation of Colonel Yolland is to the effect that it should be considered in the same way as the Midland Railway?
Yes; I think it might be.

167. Lord *Redesdale.*] Do you think it ought to be?
I think so.

168. Lord *Stanley* of Alderley.] Do you think it stands upon the same grounds?
Quite so.

169. You think there are no exceptional circumstances which ought to take it out of that character and prevent its prosecution?
I know of none. It is entirely north of the Metropolitan Railway, which it is to join.

170. Then with regard to the London Railway (Victoria Section), the East London and Rotherhithe Railway, the Rotherhithe Railway, the Grand Surrey and Commercial Docks Railways, and the London Chatham and Dover Railway, No. 1, (the Thames Branch), Colonel Yolland's recommendation is, that they should be suspended in order to give time for a more careful consideration of a general scheme?
Yes, I agree in that.

171. Lord *Redesdale.*] The principle upon which the recommendation of the rejection of certain lines has been based is, that they enter into the Metropolis. Do you consider that the Rotherhithe and Surrey lines do enter into the Metropolitan district?
I think so. The East London and Rotherhithe crosses the Thames, and joins the Blackwall.

172. They join the Blackwall in a central part of London, and also in crossing the river come into the south side of the Metropolis, which is already intersected with railways?
That is so.

173. Do you therefore consider that the railways which are either competing or in connection with it can properly be suspended as being within the Metropolitan district?
They are not so distinctly within the Metropolitan district as many others which Colonel Yolland has recommended should be suspended. My views are founded chiefly upon those of Colonel Yolland. Not being an engineer I am not in a position to judge of the merits of those lines.

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174. Lord *Somerhill.*] Would not the railways of which you are speaking occupy the Thames Tunnel, and if that Thames Tunnel were once occupied, that occupation might seriously interfere with a general Metropolitan scheme, because there is no other railway crossing the Thames below London Bridge?

I was about to say that I think if this were considered in connection with other schemes, that it might be found that others might utilise the Thames Tunnel in a more eligible way than this scheme; but I have not formed any judgment of my own upon the subject.

The Witness is directed to withdraw.

The Committee proceed with the consideration of the following Bills:—

London, Chatham and Dover (No. 1) Bill.

The Committee are of opinion that this Bill should be allowed to proceed, with the exception of the Thames Branch.

Victoria Station and Pimlico Railway Bill.

The Committee are of opinion that this Bill should be allowed to proceed.

London, Brighton and South Coast Railway (Extensions and Alterations, &c.) Bill.

The Committee are of opinion that this Bill should be allowed to proceed.

Tottenham and Hampstead Junction Railway Bill.

The Committee are of opinion that this Bill should be allowed to proceed.

Hammersmith and City Railway Bill.

The Committee are of opinion that this Bill should be allowed to proceed.

East London and Rotherhithe Railway Bill.

The Committee are of opinion that this Bill should be suspended, subject to hearing the agent for the Bill.

Rotherhithe Railway Bill.

The Committee are of opinion that this Bill should be suspended, subject to hearing the agent for the Bill.

Grand Surrey and Commercial Docks Railways Bill.

The Committee are of opinion that this Bill should be suspended, subject to hearing the agent for the Bill.

Midland Railway (Extension to London) Bill.

The Committee are of opinion that this Bill should be allowed to proceed in the usual manner.

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Ludgate Station and Junction Railways Bill.

The Committee are of opinion that this Bill should be allowed to proceed.

Barnes, Hammersmith, and Kensington Railway Bill.

Mr. ROBERT FOWLER is called in, and examined as follows:

Mr. R. Fowler.

175. *Chairman.*] YOU represent the promoters of the Barnes, Hammersmith, and Kensington Railway?
I do.

176. Can you state to the Committee whether it is proposed to make any alteration in the measure which is now before Parliament?
Yes; it is proposed to abandon the line from the West London to Kensington.

177–8. The railway will stop where?
At the junction with the West London.

179. Lord *Stanley* of Alderley.] It stops at Hammersmith?
It is proposed to stop where the little spur is (*referring to the map*).

180. You abandon all that portion of the line in the Kensington direction.
Yes, my Lord.

181. You retain the junction of Hammersmith with the City?
Yes.

The Witness is directed to withdraw.

The Committee are of opinion that this Bill should be allowed to proceed.

Metropolitan, Tottenham, and Hampstead Railway Bill.

JAMES BURCHELL, Esquire, is called in, and examined as follows:

J. Burchell, Esq.

182. *Chairman.*] YOU are authorised to appear for the Metropolitan, Tottenham, and Hampstead Railway Bill?
Yes.

183. Do you propose to withdraw any portion of that Bill?
No; it is one complete integral line.

The Witness is directed to withdraw.

The Committee are of opinion that this Bill should not be allowed to proceed.

London Railway (Victoria Section) Bill.

THOMAS COATES, Esquire, is called in; and examined as follows:

T. Coates, Esq.

184. *Chairman.*] DO you propose to withdraw any portion of this Bill?
No; I am not now instructed to do so.

The Witness is directed to withdraw.

The Committee are of opinion that this Bill should not be allowed to proceed.

Grand Surrey and Commercial Docks Railways Bill.

THOMAS COATES, Esquire, is called in, and examined as follows:

T. Coates, Esq.

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185. *Chairman.*] DO you represent the Grand Surrey and Commercial Docks Railways Bill?

It is not in my hands, but it is in the hands of my firm; my partner, who attends to it, happens to be out of the way.

186. Are you prepared to answer for the Company as to whether they propose to withdraw any portion of the Bill?

I am a little reluctant to answer the question; my notion is, that it is very possible that that Bill may not proceed; but at present I am certainly not instructed to withdraw it.

187. You are not able to say that there is any alteration proposed in it?

No, I am not, my Lord.

The Witness is directed to withdraw.

The Committee are of opinion that this Bill should not be allowed to proceed.

London, Chatham, and Dover Railway (No. 1) Bill (the Thames Branch).

THOMAS COATES, Esquire, is called in, and examined as follows:

T. Coates, Esq.

188. *Chairman.*] ARE you the agent for this Bill?

I am.

189. Do you know whether there is any proposal to withdraw any portion of this Bill?

No. The Commercial Docks Bill and the Thames Branch Bill are for the same object. Whether one or the other will proceed, I believe, is now a matter of negotiation; both undoubtedly will not.

190. Lord *Lyveden.*] If they do proceed, will they proceed in their entirety, or with any change?

I take it that if the Commercial Docks Bill is withdrawn, the other will proceed in its entirety.

The Witness is directed to withdraw.

The Committee are of opinion that the Thames Branch of this Bill should not be allowed to proceed.

Adjourned to Friday next, One o'clock.

Veneris, 24° die Aprilis 1863.

LORDS PRESENT.

The Lord President.	Lord Wodehouse.
Duke of Buckingham and Chandos.	Lord Redesdale.
Earl Cowper.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Earl of Lonsdale.	Lord Stanley of Alderley.
Earl of Stradbroke.	Lord Belper.
Viscount Eversley.	Lord Lyveden.

The LORD PRESIDENT, in the Chair.

Evidence on Metropolitan Railway Communication.

James Booth, Esq.

24th April 1863.

JAMES BOOTH, Esquire, is called in, and examined as follows:

191. *Chairman.*] WHAT position do you fill at the Board of Trade?
I am one of the Joint Secretaries of the Board of Trade.

192. Have you considered the subject of metropolitan railway communication?
To some extent I have.

193. Will you give the Committee your views as to the mode in which they can best carry out the second portion of the reference to them, which is "To consider what provision can be made for the securing such a comprehensive system with the greatest advantage to the public and the least inconvenience to the local arrangements of the metropolis"?
I presume that the object which the Committee have in view would be to prevent the introduction of any new lines into the metropolis, within certain limits, that would conflict with a well-considered scheme for connecting the great railways which now have termini in the metropolis; I mean more particularly the communication between the termini of the railways on the north of the river and those on the south of the river. The first question with a view to that is, whether it would be practicable to lay down a scheme of intercommunication between these great railway termini, as to which there would be such a general concurrence of opinion that it was a scheme which must ultimately be adopted, that this Committee might feel itself justified in recommending to the House of Lords to make an order that no Bill which should propose to sanction any railway which would conflict with that system should be allowed to pass in the next Session. I have had some conversation with Colonel Yolland upon this subject, and it appears to him that such a system might be laid down. He thinks that, after having obtained the information which may be obtained from the traffic managers of these railways, with the view of ascertaining what their requirements are, and the information to be obtained from their engineers as to what they are themselves proposing to do, he should be able to submit to the consideration of this Committee such a scheme. Supposing the Committee to be satisfied upon that point, I think, then, that the Committee might safely go the length of such a recommendation as I suggest, namely, that no Railway Bill which would conflict with that scheme should be allowed to proceed.

194. I presume that there are three sorts of schemes which should be entertained: the great railways putting their stations nearer the centre of the metropolis than they exist at present; there is also the communication between the different great railways; and then there is another sort of scheme, which is, railways rather for the purpose of supplying the places of omnibuses and cabs for the internal traffic?

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These would all have to be considered. I was, in the first instance, considering how far I thought the Committee could proceed peremptorily to lay down rules for the guidance of railway companies in the next Session. I think it can only proceed negatively. I think, having laid down a well-considered scheme, they might safely go the length of saying that any line which conflicts with that scheme shall not be allowed to go on; but further than that I think the Committee can hardiy go, except, perhaps, with reference to the system of metropolitan drainage. I think that, with the assistance of the engineer of the Metropolitan Board of Works, it might be possible to lay down certain rules which would prevent an undue interference with the metropolitan system of drainage. Though I have said that in the way of positive regulation, it does not appear to me that the Committee could safely go farther than I have suggested; yet, with reference to the question just put to me by the Noble Chairman, I think they might, with great advantage, obtain from Colonel Yolland a general report upon the whole of the railways coming into or encircling the metropolis, with such suggestions as he could make without regard to economical considerations (because I think it is quite out of his power to go into questions of that kind), for such extensions and additions to the existing railways as appear to be required for supplying intercommunication between them, and as would tend to complete the system of railways encircling the metropolis, and such as would be calculated to relieve the streets from omnibus and goods traffic. I think that, with the great consideration which Colonel Yolland has already given to this subject, looking at the system of metropolitan railways as a whole, and with the information which may be obtained from the traffic managers and engineers, who, I have understood, are to be called before this Committee, he would be able to lay down a scheme, and to make suggestions that would be of great value to the various railway companies. I should not propose that the Committee should go further with regard to any report of that kind from Colonel Yolland than to allow it to be printed in the Appendix to their Report. I think the early publication of such a report would be of great value to the railway companies, because I have no doubt that many of them are already considering of extensions and additions to their own schemes, and they would then have the advantage of considering those extensions in connexion with this, imaginary scheme, framed with a view to connecting all these railways as a whole. That is what has occurred to me as the course which might most conveniently be taken by the Committee.

195. Lord *Somerhill.*] In point of fact, do you not think that that would be laying down a peremptory scheme?

Only to the extent I have mentioned, that is, so far as the Committee are able to see their way to a scheme, which I may call a necessary scheme, of communication between the great lines from the north to the south of the river. It would be peremptory to this extent, that in the next Session no Bill should be allowed to proceed that would propose to authorise a work which would conflict with that scheme.

196. Lord *Belper.*] As I understand you, the primary part of your suggestion is that there should be a communication between the great railway stations of London?

Yes.

197. You propose that the Committee should lay down the lines which they might suggest as the best lines of communication between those great stations, and that no Bill should be allowed to pass which was absolutely inconsistent with that arrangement?

I should hardly go so far as to say that the Committee should lay down the lines, but they should say, as an example, that between the London and North Western and the Midland (supposing their Bill for the extension into London to be sanctioned), and the Great Northern; three of the great railways on the north side of the Thames, and the Charing Cross station, which would enable them to communicate with the South Eastern and the South Western on the south side, it is necessary that there should ultimately be this means of communication, and therefore that any scheme that would conflict with that should not be allowed to go forward.

198. Earl *Grey.*] Is it not necessary to have one large system of metropolitan railway communication providing not only for intercomunimcation between the existing railways, but also for the local traffic of the metropolis?

I think

I think so; and in the second part of what I have suggested I contemplate that Colonel Yolland should take that subject into his consideration, not as fixing anything to call upon companies to do, because I think that would be quite beyond the power of the Committee, but as enabling them to a certain extent, when desiring to give increased accommodation, and to increase their works, to have the opportunity of considering the schemes which they are disposed to undertake in connexion with a comprehensive system of metropolitan communication.

199. Is it possible to separate the two questions of local communication and intercommunication between the railways; are they not part of one and the same thing?

I think not. As far as I would suggest that the Committee should proceed peremptorily, they are not the same thing. I have assumed that it is essential there should be means of communication, for goods especially, between the systems on one side of the river and the systems on the other side of the river.

200. I understand you to say that besides the communication for goods between the stations that you think necessary, you think it will also be necessary that there should be some arrangement for local traffic in the metropolis by means of railways?

I think it very desirable.

201. Until such a system is devised, is it possible to say beforehand that any possible line of railway in any part of the district will not conflict with that decision?

I think that the Committee cannot sufficiently see its way to a large and comprehensive scheme of that kind, to be in a condition to recommend that no line should be allowed to go on that would conflict with such a possible scheme.

202. But if such a scheme should hereafter be proposed, it is impossible to say, is it not, beforehand that any line or any part of that ground which may now be authorised, would not conflict with it?

It is impossible to say so.

203. Lord *Redesdale.*] Have you at all reflected upon the consequences of allowing any one railway company to obtain a more central metropolitan station with regard to the necessity of the other railway companies claiming to have the same advantage?

At present, I have merely considered the question of the propriety of dealing with any schemes which would conflict with what I should call a necessary system of communication between the great system of railways on the north and south of the river.

204. The question to which I particularly wish to direct your attention to is this: The Great Northern and the North Western have both stations upon what may be called the line of the New-road. The Midland Railway Company has an application to Parliament, which has been already sanctioned by the House of Commons, whereby it would have a station on the same line; do you consider that it would be desirable to allow one of those three railway companies to attain a more central station, as regards this part of the town?

I see no necessary objection to that, because it may really fall in with such a scheme as I am suggesting the Committee should endeavour to lay down. It may be that it would be half way towards reaching, for instance, the Charing Cross Station. I mention that station as being in communication with the great lines on the south side of the river.

205. Do you think if one of those railway companies were to obtain a central station, getting down towards Charing Cross, that the other two railways would not feel themselves prejudiced if they did not obtain stations which were equally advantageous?

If the obtaining of a through station by one would necessarily conflict with the others being able to get across also, then it would fall within my rule; that would be a scheme which would conflict with the system which I should desire the Committee, if possible, to lay down.

206. Do you think it is possible to have three lines of railway towards the

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centre of this part of the town, from such district as Euston-square and King's Cross?

I am not engineer enough to answer that question; I should think it is doubtful whether it would be possible.

207. Do you not think it desirable, that so far as regards the improved intercourse across the metropolis, it would be more useful for goods that they should be carried by railways that pass round the town, rather than through it?

It does not seem to me that necessarily that should be the case.

208. Do you consider that there is a very insufficient communication between the north and south at the present moment?

I think so; that is one of the points which the Committee would learn from an examination of the traffic managers.

209. Lord *Somerhill.*] By south, do you mean south of the river?

I mean the right bank of the river; the South Eastern, with the London, Brighton and South Coast, the South Western, and the London, Chatham and Dover lines, are the great lines which I call south of the river.

210. Some of the railways which you have now named across the river come to the north side, do they not?

Yes; the London, Chatham and Dover among others crosses it, and comes into connexion with the Metropolitan line, which makes it very important that other lines, like the Great Eastern, should be on a level to enable it to form a connexion with the Metropolitan.

211. Lord *Redesdale.*] Do you think that you will ever be able to get a goods traffic through the metropolis by means of railways?

I do not see any impossibility; but that is a question upon which Colonel Yolland can give much better information than I can.

The Witness is directed to withdraw.

COLONEL WILLIAM YOLLAND, R.E., is again called in, and further examined as follows:

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212. *Chairman.*] HAVE you heard the evidence given by Mr. Booth?

Yes.

213. Do you concur in the possibility of that which he recommends?

I think what he recommends is possible to be done; that is, not to lay down a line precisely, but to sketch out a line, or to make suggestions, for the consideration of the Committee, which might perhaps be worth their attention.

214. From your communications with the managers of the different railway companies, do you think that it would be easy to get them to agree upon any general scheme?

By your Lordships' instructions I saw the general managers of four of the principal lines of railway yesterday, and made known to them your wish to hear from them what they considered to be their requirements, as regards intercommunication with other lines of railway; and those four gentlemen will attend here to-day to state the mode in which they collect their goods traffic, and pass it through London from their goods stations to the terminal lines of other railways, and also to state to what extent that goods traffic does or does not obstruct the local traffic through the streets.

215. I presume the managers of the great railways have no particular interest in that sort of traffic which is now carried on by omnibuses and cabs, have they?

I think that, to some extent, the principal lines are interested in that question. It is doubtful whether many of those lines might not be advantageously extended further into the metropolis, not to a central station, but actually distributing their passengers, as it were, at the stations that are nearest to their residence, which distribution must have a sensible effect in diminishing the cab traffic more especially.

216. Have

216. Have you sufficiently considered the subject to be able to give the Committee any information as to the general feature of a scheme that would effect intercommunication with the Metropolitan line?

Not to tie myself down to the exact lines where such things should be done; but I will take the three great railways which were mentioned before, the Midland, the Great Northern and the North Western, and I would say with reference to those three systems that it is of very great importance that they should have the means of passing their traffic to the south side of the Thames. The Great Northern will probably have that eventually by means of a junction already authorised, and about to be opened, over the Metropolitan Railway to Farringdon-street when the London, Chatham and Dover have finished their line passing over the Thames near Blackfriars' Bridge. But that is not the case with reference to the Midland or the North Western, and I know that it is a subject of great anxiety to some of those companies to have the means of sending their goods, for instance, by some other route, than by the railways that are further to the west of the metropolis. The North Western in that respect is better situated than the Great Northern or the Midland. The Midland has no means at the present moment, except by way of Rugby, where it can get on to the North Western.

217. Lord *Stanley* of Alderley.] Do you think that there is any one scheme of railway which might be laid down which would be available for all those railways, so as to be upon one set of levels in the metropolis?

I think, as far as regards those three lines, one line might be constructed instead of making three separate lines, which would accommodate those railways in the particular part I have mentioned.

218. Lord *Somerhill.*] Farringdon-street?

No; towards Charing Cross. The whole of the traffic from the north of England, Scotland and Ireland would then be brought at once into communication with one of the Continental lines, and also with that part of the country which lies south of the Thames.

219. Lord *Stanley* of Alderley.] You think one scheme might be formed which would be applicable to them all?

To those three undoubtedly.

220. In your opinion, would it require a separate line of railway to accommodate the other line which you do not include in that, namely, the North Western?

I consider that one scheme might accommodate the Midland, the Great Northern and the North Western, bringing them into communication with the extension of the South Eastern Railway at Charing Cross.

221. Could some line of railway be made to bring them into communication with the Metropolitan line and Paddington to the west, and Farringdon-street, in the centre of London?

Not upon the same level. I think that stations should be established where main lines intersect each other nearly at right angles, so that passengers shall have the advantage of stopping at such stations, and have the means at once of proceeding by the quickest route by railway towards their destinations.

222. You think that a general scheme might be devised which would put the great lines of railway into communication with the Metropolitan line which already exists?

I think so, when the Metropolitan Railway is extended to the east and west.

223. Lord *Belper.*] I understand you to mean a communication so as to enable passengers to pass from one line to the other?

Exactly so.

224. Lord *Stanley* of Alderley.] Could not an arrangement be made, by means of drops and lifts, by which heavy goods might be transferred from one railway to another without any great inconvenience or difficulty?

In most cases, I think, Railway Companies would prefer making short lines of communication, or connecting branches, rather than have lifts.

225. You think that short branches could be made, connected with the scheme

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which you propose, to accommodate these three great railways, so as to bring them into communication one with the other?

I must not be understood to say that it is impossible to effect any such junctions. I believe it to be perfectly possible to effect those junctions.

226. *Chairman.*] I presume there is not a very great through traffic in passengers?

Probably not.

227. That would be chiefly goods, would it not?

Principally goods.

228. How would these lines affect the short traffic?

There would be great advantage from extending the existing lines further into the metropolis. It would enable a large number of persons who reside a short distance in the country to approach nearer their places of business at once. Take the case of the North Western, as regards its suburban traffic. A certain proportion of the passengers might be dropped at Euston-square, another proportion might be carried further on to the intersection with the Metropolitan Railway, and the remainder to a station within the metropolis.

229. Lord *Stanley* of Alderley.] Can you at all speak, from the experience you have had, as to what degree of relief has been given to the omnibus and cab traffic by the use of the Metropolitan Railway?

I do not think any relief has been given, up to the present time. From inquiries that I have made, I believe there are as many omnibuses running at present as there were before the Metropolitan Railway was opened.

230. Is it not the case that there has been an enormous number of passengers carried by the Metropolitan Railway?

Yes.

231. Where do you think that increased traffic has come from which has been carried by the Metropolitan Railway?

I think there has been a subtraction from the number of passengers carried by omnibuses; but there is not at the present moment any diminution in the actual number of omnibuses running, and that this subtraction has taken place is shown by the fact, that there has been a general reduction in the fares of the omnibuses running in that particular locality.

232. Then you consider that the passengers who have been carried by the Metropolitan Railway have not been new passengers, but passengers abstracted from the omnibuses and other modes of conveyance?

And a great number of passengers who never would have gone at all by the omnibuses.

233. Lord *Somerhill.*] Do you entertain, from your own observation, or from any returns which may have been furnished to you, the conviction that the traffic on the New-road, practically, has not been lessened by the working of the Underground Railway?

I do not say that the actual traffic on the New-road has not been lessened; but what I meant to state to the Committee was, that I did not consider that a less number of omnibuses were running there at the present time when compared with the number running before the Metropolitan Railway was opened.

234. Do you think, practically, that, either in cabs or in omnibuses, the New-road is not clearer now than it was before?

I am perfectly sure that it is clearer; but not as regards the number of omnibuses.

235. Lord *Lyveden.*] All you meant to say was that the passengers were taken from the omnibuses?

Yes; and in order to have them back again, the fares of the omnibuses have been largely reduced. That, I believe, has had something to do with the diminution of the receipts of the Metropolitan Railway, which has taken place within the last few weeks.

236. Lord *Somerhill.*] Do you not think that there are fewer spring carriages which go along the New Road in the course of the day, in consequence?
I think there are.

237. Earl *Grey.*] The public have gained at all events by the diminished cost of conveyance?
No doubt.

238. Lord *Belper.*] The competition is still going on between the omnibuses and the railway?
Yes.

239. The *Chairman.*] In short, is it your opinion with regard to the railway communications in London, that they have been attended with the same result as that which has attended the railway communications in the rest of the country, namely, that very great additional facilities for locomotion have increased largely the number of passengers?
Certainly.

240. Lord *Redesdale.*] You are of opinion that one comprehensive railway scheme might be devised which would serve as a means of communication between the North Western, the Midland, and the Great Northern, between their stations as now placed, and the Charing Cross Station?
I think so; assuming that due provision is made, in the passage of the Midland Railway Bill now before Parliament, that nothing prohibitory to such a scheme is allowed to exist.

241. I believe that the effect of that scheme and existing stations of the other two railways would put those stations at about the same level at the New Road where they are at present found?
Yes.

242. And in what manner would you propose the line which you contemplate to communicate with all those three stations?
A short means of communication must be established between each of the lines.

243. Then you think it would run for a certain distance from the Charing Cross Station on one line, and then fork off on three points to the other?
Precisely so.

244. You would have various stations upon it, and take up passengers at different distances?
Undoubtedly.

245. Do you think that much time would be gained by having such an arrangement as that for passengers through the Metropolis?
I do not think that in so short a distance much time would be gained.

246. Any person travelling with luggage would have to transfer it in the first instance when he got upon a line, say, at Charing Cross?
I am assuming that each of the three Companies would have the power of running over the common line that should run to connect it with the South Eastern. A sufficient number of lines would be laid down to enable that to be done.

247. How many lines of rail do you think it would be necessary for that purpose to make through the Metropolis?
I should imagine that four lines of rail would be sufficient.

248. For the three Companies?
Yes.

249. Running both ways?
Yes.

250. Earl *Grey.*] You mean two each way?
Yes.

251. One for the fast traffic and one for the stopping traffic?
Yes, virtually so.

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252. Lord *Redesdale.*] The Companies must have their trains running at separate times?

It is a very common thing for various Companies to run over the same line. They are governed by signals which are under the control of one Company, or of a joint Committee representing the several Companies.

253. When they come to Charing Cross, the Charing Cross Railway will be about level with the Strand?

Yes; there is a difference of a few feet in the level.

254. At that place the railway must pass over the Strand?

Or it might pass under the Strand.

255. But passing under the Strand it would get down below the level of the Charing Cross Station?

I do not mean to say that the level of the existing station would allow you to pass the Strand without crossing on the level. I understand that the engineer of the Charing Cross line actually delayed laying out his station for a considerable time in the expectation that a communication would be made from that district, so that he might place his line on such a level as would allow him to pass under the Strand.

256. But he has not done so?

No.

257. Lord *Somerhill.*] Are you referring, in your answers, to a railway underground or overground?

Underground.

258. As far as the Strand?

Underground, or in open cutting. I should mention to the Committee that passing through tunnels is decidedly an obstruction to the working of railway traffic, especially working it as the Metropolitan is worked at the present time. The load is limited to a very great extent by the precautions adopted to prevent injury to the air in the tunnels.

259. Lord *Redesdale.*] At the present moment all the Northern goods traffic on the London and North Western Railway, that passes south, has a very good communication by the West London Station, has it not?

A portion of that traffic has, I believe, very recently commenced to run in that direction, but I believe it will be found that a great deal of the goods traffic which travels to Haydon-square, which is on the eastern side of the metropolis, is still carried by means of vans across London Bridge.

260. Would not the Midland New Line also have a communication with the West London Line through the Hampstead and City Junction Railway?

Yes; it might be brought into communication with it; but at present the junction has been withdrawn.

261. Seeing what the goods traffic is as it approaches the metropolis, do you not consider that it is desirable, as much as possible, to prevent that goods traffic coming in by underground lines through the metropolis?

I think that nearly all railway companies lay out their passenger stations distinct from their goods stations, and that it would be a troublesome and expensive process to carry the goods traffic further north in order to pass on to those lines that will take them to the West of London; that would be the case with the Midland Railway.

262. But in all the instances which you have mentioned, those three railways, the North Western, the Midland, and the Great Northern; would not this line which you propose through the metropolis to Charing Cross start from the passenger stations?

They would pass through the stations, not necessarily from the passenger lines.

263. Lord *Stanley* of Alderley.] In the event of all these lines being brought to the terminus at Charing Cross, and in the event of the trains from each of these railways being obliged to leave London about the same hour; for instance, the mail trains which leave at eight or half-past eight in the evening, might there not be great difficulty in starting all these separate trains from that one station with only two lines?

I do

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I do not think so at all; I think there is a very mistaken notion abroad upon the subject of time intervals between trains following each other; I think the important point to establish, and which the South Eastern have established at the present moment, is, that there should be an interval of space between following trains, and then it does not matter whether one train follows another at a minute interval, as long as the interval of space is kept; whereas an interval of time, say, half an hour, at starting, dwindles down to five minutes or less, and, in many cases, ends in an accident.

264. In the scheme which you contemplate for accommodating all those northern railways in obtaining communication with the lines south of the Thames, do you consider that one system of railway might be laid down in connexion with that line, which would give equal accommodation to the three railways to the west and to the east of London, namely, by an extension to the City on the one side, and in connexion with Paddington on the other?

I think it is very desirable that it should be extended. I consider it would be very desirable if those three companies should be placed in actual communication with the Metropolitan Railway.

265. Lord *Lyveden.*] Did I rightly understand you to say that an interval of time does not signify if the interval of space is preserved; surely the interval of space is more likely to be infringed upon when there is not an interval of time than when there is?

I think not; an instance comes prominently before me with reference to the working of the Metropolitan Railway, which is almost entirely through tunnel at the present time. The traffic is so large, and train follows so quickly upon train, that no two trains are permitted to be upon the same length of line, that is, between two adjacent stations at one and the same moment. If that regulation is observed, and it is understood to be observed on the Metropolitan Railway, and almost throughout the whole extent of the South Eastern Railway, as I have been informed by the general manager of that railway, there is little risk of collisions occurring.

266. Do not accidents on railways arise very frequently from the non-observance of those rules?

There are few railway companies that adopt them.

267. Duke of *Buckingham and Chandos.*] Does not a large portion of the goods traffic on the South Western line get on at Kew, and does not some go off in that direction; and from the Great Western line, for the South Western district, does not the traffic go off at Reading?

Yes.

268. Does not that avoid the necessity of bringing a great deal of goods traffic throughout the heart of the metropolis?

I do not think it avoids it altogether.

269. The whole traffic of the Great Western from the district north or west of Reading would find a shorter route to London and the south by that route?

To the south, undoubtedly so.

270. The North Western would get the most direct route for the South Western line by the Kew Junction?

Yes.

271. Lord *Redesdale.*] In the carrying of goods traffic the distance of a mile or so is not of much importance, is it?

It is the hindrance that is occasioned by long heavy trains which require to get through that is of importance.

272. There is more room on the lines outside the metropolis than there would be if the lines passed through?

Certainly.

273. Moreover, a line passing through the metropolis would be a very expensive line to make?

No doubt it would be costly.

274. If it is made at a very great expense there must be a tonnage taken on it sufficient to pay for that expense?

Yes.

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275. Do you not believe that, altogether, a communication between the north and south for goods traffic will be cheaper by the existing lines outside the town than by making a new line right through it?

I do not think so, because I apprehend that such lines will almost certainly be made for the carrying of suburban passenger traffic. I will take the case of one of the schemes which was promoted this Session, the Regent Circus.

276. Earl *Grey.*] That was passenger traffic?

That was probably for suburban passenger traffic. Any line that may be designed should have the advantage of carrying goods, in addition to the suburban passenger traffic.

277. Lord *Redesdale.*] That was not a through line?

No.

278. Do you think it is desirable that any one company of the three companies that are so near together should have an exclusive approach to the centre of the town?

I do not think it at all desirable.

279. That was the recommendation, in fact, of the Commission in 1846?

Undoubtedly so.

280. Would not the line that you propose, which is to accommodate all the three railway companies, a little err against the recommendation of that Commission as to having a central metropolitan station?

I do not propose a central station; I think that the idea of having a central station is a most objectionable one. I accompany my recommendation with having stations at intervals for distributing the passenger traffic, which could be dropped at these stations. It would have quite a different character from the terminal stations which at present exist at King's Cross, Euston-square, and London Bridge, for the passengers who wanted to go on, and could reach their residences by railway, would do so.

281. Duke of *Buckingham and Chandos.*] Still, do you not think that you would collect together a very large mass of traffic at a station, such as Charing Cross, if you had a communication there, with the three companies northwards, and the two companies southwards?

I think there will be, undoubtedly, a large traffic.

282. You do not think that the bringing together of those four lines at that point would collect an inconvenient mass of traffic?

No, I do not.

283. *Chairman.*] Do you remember the Select Committee on Metropolitan Communications mentioning, in their Report, a very large number of schemes, all going through the metropolis, and stating: "In considering the merits of the various plans thus enumerated under the second class, your Committee feel bound to express the approbation with which they regard those of them which seem best fitted to accomplish the following objects: first, that of relieving the streets from the heavy goods traffic *in transitu* between the railways, the river, and the docks; second, the embankment of the Thames, a public improvement too long delayed; and, lastly, the provision, on a suitable scale, for the accommodation of those great tides of passenger traffic, which, with daily increasing force and pressure, are flowing through the streets of the metropolis"?

Yes.

284. That would point rather to taking those goods through the metropolis instead of by an external line?

I have not yet given any opinion with reference to a necessity for other lines of railway; I have confined myself, at the present moment, exclusively to the three companies joining the South Eastern by one line, and to the possibility of distributing the passenger traffic: providing for the omnibus traffic is quite a different and a distinct question.

285. Earl *Grey.*] You think it is necessary that arrangements should be made for providing, by means of railways, more extensively than is now done through the town, for what is called the omnibus traffic?

Yes, I do.

286. To relieve the streets, it is necessary that some arrangement should, if possible, be made by which passengers should go from one part of the town to another by railway?
Yes; I entertain a very strong opinion upon the subject.

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287. And the success of the Metropolitan line has confirmed that opinion?
It has.

288. Would not traffic of that kind be very closely connected with the suburban traffic which you have described of the existing lines?
It would be connected in this way, that great facilities should be offered for transferring from one line to another at certain points; I do not think it is necessary or practicable that all those lines of railway should be constructed on the same level.

289. Would it not greatly facilitate the adoption of any system of passenger traffic through the metropolis joining with the suburban traffic, if the railways through the metropolis were reserved almost exclusively for passengers, and provision was made for heavy goods traffic from north to south being carried in the manner Lord Redesdale has suggested, outside the metropolis rather than through it?
I do not see how it is to get there at the present time, for instance, goods at the eastern end of London.

290. Would it not be perfectly possible to make some arrangement in the east of the metropolis analogous to that which is made by the North London Railway?
To pick up the traffic it would.

291. Would it not be preferable to have some line of that kind outside the metropolis for any goods traffic, so that the goods should go either west or east to the heart of the City, and not interfere with the passenger traffic of the town?
It would be desirable.

292. Lord *Stanley* of Alderley.] Have you turned your attention at all to the question of the Pneumatic Railway?
No; I have not.

293. Do you think it at all probable that that might be made available for forwarding some portion of the goods traffic?
As regards small packages.

294. You do not think it is very likely to be available for conveying anything except small parcels?
Small packages and parcels.

295. You are aware that the Pneumatic Company have got power to take their line over the whole of London?
I did not know that their powers were so extended.

296. Duke of *Buckingham and Chandos.*] You were speaking of the want of railway communication on the southern side of London with regard to goods; is it not the fact that the goods from Manchester and Liverpool, for a long time, have been taken through the east of London to the Minories?
So I understand.

297. There are large stations at Haydon-square, are there not?
Yes. My remark applied particularly to goods taken to Haydon-square and the district connected with the docks by the North Western, which, at the present moment, instead of passing by railway over the North London, and thence westwards and southwards, I believe, passes over London Bridge in heavy vans.

298. From Haydon-square?
From Haydon-square and the docks.

299. Viscount *Eversley.*] I observe on the Map there is already a communication sanctioned by Parliament between Hungerford Market and Cannon-street, very near to the Mansion House?
Yes.

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300. That will provide, will it not, for the passenger traffic between Charing Cross and the City?
It will.

301. Lord *Somerhill.*] Does that railway go underground?
No.

302. Lord *Wodehouse.*] How do you propose that the traffic from the Great Eastern Railway should be brought through London?
I think it very desirable that the Great Eastern should be placed in connexion with the Metropolitan Railway.

303. But supposing that a scheme, such as the Metropolitan and Hampstead Railway, were to be carried out, so as to bring a portion of the Great Eastern traffic to King's Cross, at the same point as the Midland, the North Western, and the Great Northern, would not that add another railway to the three railways which are to be brought on to this main line at Charing Cross?
Yes, possibly so.

304. Do you think that such a scheme would cause inconvenience?
No, I do not think it would.

305. You do not think that additional traffic would be more than could be conveniently carried?
No.

306. Do you think such a scheme would be advantageous, as enabling a portion of the traffic of the Great Eastern to be brought near the west of London?
I think it would be highly desirable; but the portion of the line which you have mentioned is not that which it is most desirable to deal with. The greater proportion of the traffic of the Great Eastern comes into Bishopsgate station by the Colchester line, and not by the Cambridge line.

307. Do you not think it would be very desirable to divide the traffic, so as to bring a portion to Charing Cross, and another portion from Bishopsgate further into London?
Very desirable.

308. Your line from Bishopsgate-street would be on a level with the Metropolitan line, and I presume there would be a communication with the passenger station by means of stairs?
That would entirely depend on the level; provided the Great Eastern was brought in, it could be brought in to join it on the same level.

309. Do you think it desirable to bring the Great Eastern in on the same level as these other three lines?
No; my idea on the subject was to place the Great Eastern in connexion with the Metropolitan.

310. *Chairman.*] With regard to a question which was put to you on the former occasion, in answer to which you said you thought the limits of the district laid down by the Commission of 1846, ought now to be extended to the east and to the west; have you at all further considered the question, so as to be able to say to what extent those limits ought to go?
I think it very desirable that those limits should be considerably extended, but keeping well within the limits of the Metropolitan Board of Works.

311. Duke of *Buckingham and Chandos.*] You would take the line bounded by the North Western, the North London, the Thames, the London, Brighton and South Coast; Dulwich lines, the West London Extension, and the West London?
I would.

312. Earl *Grey.*] And consider that the Metropolis?
Yes.

313. Lord *Lyveden.*] Is that for the purpose of excluding railways?
Certainly not. I am a great advocate for railways coming into London.

314. Lord *Stanley* of Alderley.] That area you consider should be subject to some general regulations which would be applicable to all?
I do.

315. Lord *Somerhill.*] In contemplating, as I understand you to do, extending the limits of the Metropolis, are you guided by any other than economical considerations?
Yes.

316. Will you be good enough to state shortly what are the strongest reasons in your mind for that line?
The interference with the streets of the metropolis.

317. Do you think that the interference by open cutting passing through the streets, in which case I apprehend there would be bridges over the railway, would be less serious to the part of the town concerned, say in a line from Hungerford Market to the north of the New Road, where the Northern Railways end, than a line of railway on arches would be?
There would be less interference than by a line on the surface, or on a viaduct. I do not think any one practically feels any inconvenience from the passage of the Metropolitan Railway, along the same road. The only persons who feel any inconvenience are the railway companies, who have to work the line, and they feel the difficulties which are attendant upon the tunnels.

318-19. Would not such a line as you propose occasion very considerable inconvenience, as affecting the supply of gas, water, and the sewerage of the town?
I feel satisfied, with reference to the particular line you are alluding to, that all that can be arranged.

320. As far as the sewers are concerned, running down the slope of the hill towards the river, it would probable be more easy than if the line ran from the west?
No doubt; still other lines may be laid out to run east and west, that will not conflict with the sewerage, inasmuch as the sewerage at the present moment is not constructed.

321. Earl *Grey.*] Do not you think, in providing for the internal traffic of the metropolis, that it would be very desirable, if possible, to combine a railway and a common road?
Certainly.

322. You have done that, in a certain degree, in the New Road, have you not?
Yes.

323. If you made a new line, you might make the railway and a road together?
Certainly. I might instance a case, although I am not quite sure that the levels will admit of it. The Government are pledged at the present moment to make an embankment from Waterloo Bridge to Blackfriars Bridge. There is also a Bill now before Parliament for extending that street on to the Mansion House. In constructing that embankment and street, providing the levels will admit of it, I do not see any strong grounds why a railway should not be constructed underneath.

324. It would add very greatly to the accommodation, would it not?
It would be an east and west line of communication, above and below, and in that district probably where it is more required than anywhere else, except Oxford-street.

325. In originally constructing a line of that sort the expense need not be so very enormous?
The expense might be diminished to the Railway Company in this way: the Metropolitan Board of Works, I understand, have to provide for the construction of such an embankment out of the coal duties. They will have to pay all compensation for damage to individuals, and some arrangement might be entered into with the railway companies to induce them to take up that scheme, and extend

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such a line of communication further to the eastward, in consideration of the boon given to them by having space given for the construction of a railway free of cost for the land.

326. I suppose the expense is very great where the Company has to carry a line of railway under an existing street in a tunnel?
Very large.

327. If you are making a new street the expense would be very much less?
Certainly; the expense of constructing a railway in connexion with a new street, provided for out of other funds, must be less.

328. By raising the level of the street in the manner in which Carlton-terrace is raised, a railway might be made in many places?
I am not prepared to say that the embankment, on its proposed level, would admit of a railway under it, but it is quite certain it might be made so as to have a railway there.

329. Duke of *Buckingham and Chandos.*] It would be necessary in such a scheme that the railway should be formed sufficiently high to allow of a communication with the docks and landing-places underneath it?
Clearly.

330. Lord *Redesdale.*] This railway which you propose should be in connexion with the Thames Embankment, you say would be under the embankment?
Yes.

331. Are you not aware that that embankment is to go under one of the arches of Waterloo Bridge?
I do not think that is any absolute impediment.

332. Do you think there would be room for the railway under Waterloo Bridge?
I believe there is room enough; the embankment is wide enough for the railway. I have asked the question with reference to the construction of the new street.

333. The arch of Waterloo Bridge is 120 feet wide?
Yes.

334. Would that be wide enough both for a railway and a carriage-way?
Yes; the part where the Metropolitan Railway is constructed in the New Road does not occupy anything like that width.

335. Duke of *Buckingham and Chandos.* I understand you to be describing them as one above the other?
The actual embankment is over the railway.

336. Then, in fact, you would have three stages, first of all there would be the landing-places and wharves, then the railway above them, and the roadway above that?
Yes; I do not say that it could be carried along throughout the whole of the line. I instance it as an undertaking about to be commenced. I think it likely that there will be schemes brought before Parliament in the next Session, which will actually take that up.

337. Earl *Grey.*] Does it not seem to you very desirable, that instead of having these schemes brought forward by different companies to suit their own interests, there should be some general scheme for the accommodation of the whole of the metropolis?
If you could get people to agree to it, that would be very desirable, but there is the difficulty.

338. Supposing Parliament were to determine upon any good scheme of metropolitan communication, do you suppose there would be any difficulty in finding companies to take up the execution of it?
I think there may be difficulty. I think all parties would be anxious to take the lucrative parts of the scheme, and leave out those which are most expensive and the least lucrative. I think it would be a very great advantage that the scheme should be taken up as a whole, rather than in detached parts.

339. Lord

339. Lord *Somerhill.*] Do you not apprehend any difficulty in regard to the line which you propose, in making a communication between Euston-square and Charing Cross?
No.

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340. You contemplate taking down houses for that purpose?
Decidedly; giving the owners all proper compensation for any damage which they might sustain.

341. That is with reference to an underground railway in connexion with the metropolis?
Yes.

342. Viscount *Eversley.*] Then you would contemplate rebuilding those houses when the railway was completed?
Quite so.

343. Rebuilding them on the same spot?
That would entirely depend on whether the houses happened to be exactly over the line or not; a heavy class of houses probably would not answer.

The Witness is directed to withdraw.

SEYMOUR CLARKE, Esquire, is called in, and examined as follows:

344. *Chairman.*] WHAT office do you hold in connexion with the Great Northern Railway Company?
General Manager.

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345. You are aware of the reference which has been made to this Committee, "to consider what provision can be made for the securing a comprehensive system of metropolitan railway communication, with the greatest advantage to the public and the least inconvenience to the local arrangements of the metropolis." The Committee will be glad to receive any information which you can give upon the general subject; and also to hear your views with regard to the Great Northern Railway Company, as to what it will be desirable for them to do, either as to remaining where they are, or as to extending their station further towards the centre of the metropolis, or with regard to intercommunication with other railways?
There cannot be any doubt that the object of all railway companies, I speak especially for the Great Northern, is to get nearer the centre of London, and to obtain a communication with those railways which are also in London, especially those on the south side of the Thames. There is a very increasing traffic now with the Continent since the French Tariff has been introduced. It is not a very great amount of traffic yet, but it is daily increasing, and will become of great importance. The business of railway companies is increasing, and the expense that we are at in connexion with the carriage of goods is an item of serious importance to us, and, of course, to all other railway companies. The communication which we are to have with the Metropolitan Line is not open yet. That is not all that we want, nor all that the public will expect of us.

346. How far do you consider that the objects you have in view could be obtained by any general scheme, or do you think your requirements are such as would necessitate a separate line for yourselves?
I think a general scheme is very desirable indeed; and I think that the resolution which the House of Lords has come to, to stop *in limine* these ill-digested schemes, is a very good one.

347. Do you think that it would be easy for the great companies themselves to come to some general agreement about a scheme which would carry all their traffic, at the same time not prove any great inconvenience to the metropolis?
I think if your Lordships were so to direct the railway companies it would be easy; but I think if they were left to their own devices, that there would be a good deal of difficulty in coming to a general conclusion, because, unfortunately, rivalry is still existing between railway companies, and each would try to get the best position for themselves.

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348. Do you think that the best plan would be to get some independent authority, such as the Board of Trade, to lay down some general scheme which might be adopted by all the railway companies?

I think that that would be the most likely way of getting at a unanimous opinion; but then comes the very great difficulty, which I feel sure the Committee have not lost sight of; namely, that if there is only one central depôt, the part of London in which that is situated would be so dreadfully blocked up by everything coming from it and going to it, that, I think, the evil would be very great.

349. I did not understand, from what you have stated, that you wish to have a joint depôt in the centre of the metropolis?

No; I do not think that would work for all railways in London using it.

350. You would maintain your present arrangement as well as having a system of intercommunication with the different lines, so as to be able to deliver your goods at different points along the line nearer to their destination?

Yes. I also think it is desirable for every railway company to have a station more in the centre of London; but I think that a station for those on the north of the Thames, and a joint station for those south of the Thames, would be more desirable than one for all the railway companies which now centre in London, both on the north and south of the Thames. I think there would be too much business in the streets leading to and from one central station, and that it would be altogether blocked up. There have been several schemes before your Lordships' Committee for the extension of railway communication. There is one especially, which was commented on favourably by Colonel Yolland, for an extension of the Great Northern system to the Haymarket. That would be a very great advantage to the Great Northern Company; and we had entered into arrangements, provided that was carried out, to work the Great Northern traffic over it. Then, the Great Eastern come to the neighbourhood of Charing Cross. I think it very desirable that those two companies should come to one of those places; but I think a general central depôt is an evil.

351. Lord *Stanley* of Alderley.] Although you think it would be objectionable to have one central depôt, do you not think it would be desirable that the metropolitan railways should have communication with one another, so as to pass their traffic on to one another's line?

I think that very desirable, indeed.

352. You would not think it desirable that you should have a train, for instance, at the Haymarket, and that the South Eastern should have a train at Charing Cross without there being a means of communication between the two?

That is what I mean, that each should have its depôts; but each should have the means of communicating one with the other, very much the same as in Paris, where there is to be a communication with all the railways.

353. So that you would have one system of communication in the metropolis available for the railways, although you would have different depôts for each; and you think a central depôt would be an evil?

I think that would be the least inconvenience to the public, and consequently to the companies. I may instance what I mean in this way:—The Great Northern Company and the Great Western Company, who are not rivals at all for traffiic, have arranged that they shall work together into the metropolitan depôt near Smithfield, and we are eventually to go on to Finsbury, although, I believe, it will end in the Metropolitan Company being obliged to double its line of railway between King's Cross and the City. We are going on the 1st of May, if possible, but certainly on the 1st of June, to work our traffic into Smithfield station as at present made.

354. Duke of *Buckingham and Chandos.*] Are you speaking of goods traffic?

I am speaking of the passengers in the first instance.

355. You have not arranged that for goods?

No; they have only a passenger station in Smithfield. It is the intention to make, for the purposes of the Great Western Company, a depôt under the Metropolitan meat market, which is to occupy a great portion of Smithfield. We have the power to purchase land and join it.

356. Earl *Grey.*] In Smithfield?

They are going to Smithfield. The Corporation of London are going to occupy the north side of Smithfield as a market. The Great Western are to run into and occupy the basement of it as a goods depôt, and the meat market is to be above it. We have power by our arrangements to join in the goods depôt, and to join with the Metropolitan Railway in the use of the passenger station, which may be built there, and is, in fact, built in Smithfield now. There are only two lines of rails to connect the Great Western between Paddington and King's Cross, and only a single line pair of rails between King's Cross and Smithfield. I believe it to be essential for the proper working of the traffic that there should be four lines between King's Cross and Smithfield, as there are to be four lines between Earl-street, Blackfriars, and Smithfield, where the London, Chatham, and Dover Company Extension is to join with the present Metropolitan Railway.

357. You think that the Metropolitan Railway will have to be doubled at that point?

I think so. I do not think the traffic can be satisfactorily worked without.

358. Is it possible to do it?

Quite so. They have power already to do it; it is only a question of money.

359. Lord *Stanley* of Alderley.] Is there space to lay another line of rails?

By purchasing more house property.

360. Would a tunnel be available?

I can explain it better by a Map on a larger scale, which I have coloured to show the Committee (*producing the same*). The green colour is the portion of land scheduled this year by the Midland Company for their access to London. This is the New Road, and those dotted lines represent the Metropolitan Railway working under it. The Midland Company have also scheduled all that I have coloured dark on this Plan, intending to carry a junction in some way or other by which they may join themselves with the Metropolitan Railway. One of the points that we are going to try and show the Lords' Committee when they meet on this Bill is, that in this piece of yellow land which is scheduled by the Midland Company, and which should more properly be green, is the property of the Midland Company, it will stop the eventual making of the extension from King's Cross to the Haymarket.

361. Lord *Redesdale.*] Is the Haymarket line above ground?

Partially open cutting.

362. How does it propose to pass the New Road?

Underneath. The New Road was to be raised 11 feet. I have shown on this Plan as much space left for the Midland Company for their passenger depôt as we have for ours.

363. Earl *Grey.*] Does your Plan, for going to the Haymarket, propose that your passengers should be carried there, or be left at King's Cross?

There is no doubt that if that line is made, the depôt at King's Cross will become a mere carriage shed; because everybody will go as far into London as they can.

364. Lord *Somerhill.*] Do you contemplate making a more central station at which goods coming from London to be conveyed by your line should be taken up by your line, or would you compel the London goods to come where you have a greater space and more accommodation at your King's Cross station?

No; we should not. We should contemplate that wherever the depôt is that the goods should come there, and that we should not certainly require the public to bring their goods up there, because it would be more convenient to us.

365. But a more central station for passengers and light goods at Charing Cross, or Farringdon-street, or elsewhere, would not necessarily compel you to have a depôt for goods to be taken from or delivered in London only?

If we had only a passenger station, of course goods could not be dealt with there; but it would be so convenient to a portion of the public to have a goods depôt there, that we should have to come to that.

366. Earl *Grey.*] That would require a very large space in the Haymarket?

It would require the taking of a large space in the Haymarket.

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367. Duke of *Buckingham and Chandos.*] You would, in fact, select for your goods depôt that point on your railway which you found was most convenient for the purpose?

Yes; because the object of railway companies is to get as much traffic as they can at one point without inconvenience to the public. The carting is performed by the companies or by the carriers that they employ, and they go to their houses, or to the warehouses in the City, without any expense to the parties. We are at this moment spending 1,000*l.* per week in cartage.

368. Earl *Grey.*] Is that exclusively minerals?

Yes. The average number of horses employed by us in London is 494.

369. *Chairman.*] What is the proportion of the cartage that you do as compared with the great carriers?

We do almost all our own; of course the public do not care whose horses and carts carry the goods so long as they get them. We thought we would not be in the hands of anybody. We took a variety of places in London, such as Oxford-street and Charing Cross; and we started with horses and carts to do our own work. The North Western employ carriers, such as Pickfords and Chaplin & Horne, while we do our own work ourselves.

370. Then, independently of the mineral traffic, 50,000*l.* a year represents the tax on the public with regard to the cartage?

Unfortunately it is a tax on the railway companies, because the cartage of the goods is included in the price.

371. But you consider that in your price?

We are not at our maximum rate for goods.

372. Lord *Stanley* of Alderley.] Are the whole of those goods, about which you are speaking, goods to be distributed in London, or are any portion of them goods which are *in transitu* through London for France and the Continent?

It includes all.

373. Can you distinguish between that portion which is distributed in London and that portion which is merely going through London?

No.

374. Would it be about half?

Not nearly half at present, because those goods passing south of London include all that go to Kent and other places, irrespective of the continental traffic.

375. Duke of *Buckingham and Chandos.*] Do you contemplate that any reduction would be made in the charge to the public if your railway were to reach the Haymarket?

I should think there would be.

376. To what extent?

If the cost of the cartage was lessened by half, we should charge the public half, inasmuch as we cart for a circle of five miles round King's Cross as a centre.

377. *Chairman.*] Supposing this extension was made with regard to the minerals, would they stop at the present station?

If we could find space we should take them on; the difficulty would be about the space. We are contemplating to have a depôt at Earl-street.

378. Duke of *Buckingham and Chandos.*] For the minerals?

Yes.

379. *Chairman.*] What is the expense of the cartage for minerals?

We do not cart them ourselves; the contract, I think, was 2*s.* 4*d.* per ton when we used to do it ourselves, but the Lord Chancellor stopped that, and would not allow us to do anything more than carry the coals. The public lost by that arrangement.

380. Can you give the number of tons of coals brought by the railways?

The tonnage of coals brought by the Great Northern Railway Company last year was 378,264 tons, and 153,311 tons were also brought by the Midland Company from Hitchin over our line to our present depôt.

381. How

381. How much is the cartage?
For short and long distances, I think 5 *s.* for goods, and 2 *s.* 4 *d.* for coals.

382. Earl *Grey.*] What distance, on the average, do you suppose those coals are carted before they come to the consumers' cellars?
I should think three or four miles.

383. *Chairman.*] That would give another 50,000 *l.*?
Yes.

384. Lord *Stanley* of Alderley.] A good deal would still remain to be done by cartage?
It must be carted from the depôts wherever the depôts are. If we have a depôt at Earl-street, Blackfriars, that will be a centre from which the coals would have to be carried by carts.

385. Duke of *Buckingham and Chandos.*] How far does the 2 *s.* 4 *d.* a ton carry them?
Five miles.

386. Is that charged for one mile?
Yes; it used to be when we had it in our own hands.

387. In practice it is charged if the coal is going half-a-mile, or if it is going five miles?
I think they now make a difference for shorter distances.

388. That was the system on which you worked?
Yes; we undertook to deliver the coals to any place within a radius of five miles for a certain price. We included the delivery in the price charged.

389. In the delivery of goods, do you make any difference between five miles and a shorter distance?
We make no difference.

390. You charge to the public, or to the consignee, the full cartage rate whether it is 100 yards or five miles?
We do, because there is an arrangement between railway companies that the price is either with or without cartage; with cartage it is so much, without cartage it is so much less.

391. I do not quite see with that system how the public would get any advantage from a goods depôt being placed near them?
Except this: that it is always competent to the public to have their goods carried without the cartage rates.

392. *Chairman.*] Do you think it would be possible, as has been suggested, that the goods traffic going between different railways on the south of the River Thames should be carried by some external means, so as not to go through the heart of the Metropolis?
I think that would be a great advantage; but then that railway should be common to all the companies, under proper regulations to be made.

393. Do you think it would be a good arrangement to have some line external to the Metropolis, for the purpose of the carriage of goods?
Yes; it would be of very little use for passengers, because, although the North London takes people an immense way round to get to Fenchurch-street, if the Metropolitan were extended to Fenchurch-street, nobody would go round by the other. To show the practical inconvenience of the present state of things, we have to pay now for getting a ton of goods carried from King's Cross to Kew, 2 *s.*

394. Duke of *Buckingham and Chandos.*] How many miles?
About seven miles.

395. Lord *Redesdale.*] How many lines of railway do you pass over?
We pass over, practically, only one; because it is in the hands of the North London, who arrange it. They are the only Company we treat with, but they are very much under the thumb of the London and North Western, as to the charge they make.

396. How do they charge you 2 *s.* for seven miles.
I do not know the way they charge. I only speak to the fact.

 397. What

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397. What are the tonnage rates?
I dare say the short distance clause may help them.

398. Is there more than one short distance?
Yes; it comes practically over the North Western, and then goes by this other line.

399. So far as the City is concerned, you will shortly have a very good central station to Farringdon-street, or even up to Finsbury-pavement?
Up to Finsbury Circus; but it would be very much improved if there were four lines of railways. There are to be four lines of rails between Earl-street, Blackfriars, and Farringdon-street.

400. You will also have a southern communication by that same route, when it is opened?
Yes.

401. Therefore, so far as you are concerned, the necessity for an extra line is not so important, as to some of the other companies?
Not so far as connecting the north with the south; but paying 2 *s.* must be prohibitory, because nobody would pay 2 *s.* extra on the price of their coal to be delivered by us.

402. As to the Clapham and Camberwell district being ill supplied with coal, you will shortly have a perfect communication with them?
Yes; and a depôt at Earl-street, with a shipment on the Thames?

403-4. Duke of *Buckingham and Chandos.*] Would it not be a great advantage to the Great Northern Railway, if it could have a communication through the Thames Tunnel, so that it might be enabled to carry its traffic south of the Thames?
I think as far as the south goes, that we should be perfectly satisfied with what we have now for goods, minerals, and passengers altogether.

405. *Earl Grey.*] Provided there are four lines, there will?
There will be four from Smithfield to Earl-street.

406. Duke of *Buckingham and Chandos.*] Do you think it practicable to carry on the whole of the traffic of the Metropolitan proper and the Great Western and the Great Northern with four lines?
Yes, if two lines come from Paddington to the City; but without the addition of two more lines, which will take King's Cross, and eventually the North Western to the City and across the Thames, I am afraid there will be too much traffic.

407. Lord *Redesdale.*] This line of yours towards the Haymarket would be more particularly a line with reference to the accommodation of the West End?
It would.

408. Do you conceive that if you got an authorised station at the Haymarket for the West End, the North Western and the Midland would be content to remain where they are?
I am quite sure they would not.

409. Do you think there is room for three lines to come into the centre of the West End?
My notion is that if this Haymarket line is ever carried out that will be the connexion we shall have with the other companies. I think the Midland would connect with it, and very likely the North Western would run into it.

410. Would it not make a central station for passengers at the Haymarket for those three lines?
No doubt it would be a much better thing for the public having to go northwards?

411. Do you think it not more desirable that they should have three separate stations for those great lines?
I do not think three railways in one station would be too many. I do not mean to give that answer with regard to goods, because I always hold that it is no use attempting to have two railway companies located in one goods depôt. It is essential that they should have separate goods stations.

412. This

412. This station you think would become a common station for the North Western, the Midland, and the Great Northern?
I think it quite probable.

413. Lord *Stanley* of Alderley.] If there was to be a system of railways in the interior of the Metropolis, which was to be common to all railways, how would you suppose that they should be constructed, and at whose expense? I think you said that you thought what would be the best thing to be done would be that a comprehensive scheme should be laid down by the Board of Trade, or some competent persons, and then that that should be carried into execution. How do you think that should be carried into execution, and at whose expense?
I think it might be done by means of a common subscription, consisting of contributions from all the railways who are to use it.

414. You think that the different railway companies who would use these lines might be brought to confer together, to contribute the necessary money for the construction of them?
I do not see any other way of doing it. I do not suppose the country would do it. If the Companies concurred in making a connecting railway they would soon find out a way of subdividing the expense, so that it should not fall hard upon them. But then the great difficulty would be to place it under some general regulations.

415. How would you propose that the control of these common lines of railway should be arranged?
By a common management consisting of one or two directors from each Company who subscribe the capital to make it, and that there should be some person to manage the traffic who should be the servant of this joint committee. As a matter of necessity, I say, there must be a separate goods depôt for each of the companies subscribing.

416. Provided that was done, you think a Committee of that description could arrange all the conflicting interests, so as to make them work?
Undoubtedly.

417. Lord *Redesdale.*] There must be four lines of railway?
Yes.

418. Duke of *Buckingham and Chandos.*] You are speaking of a separate goods depôt; will you give the Committee some idea of the space required for each depôt?
It would be limited by the expense of obtaining the house property. I think there never has been a goods depôt that has been found large enough. We do not find it so. Our passenger premises are 12 ½ acres, and our goods station 72.

419. Lord *Stanley* of Alderley.] That includes coal depôts?
Yes.

420. Duke of *Buckingham and Chandos.*] What sort of space have you contemplated in this Haymarket scheme for the goods depôt?
That was only proposed for passengers.

421. But still you contemplated goods might go to it?
I think they might.

422. Can you give some idea of the space which would be necessary?
A very large amount of the traffic is proposed to be done in the area of Smithfield.

423. Lord *Redesdale.*] What space was proposed to be taken by that Haymarket railway scheme for the station?
I cannot answer that question.

424. Lord *Somerhill.*] Assuming that 2 *s.* is the charge for the present station to Kew, a distance under seven miles, if there was a railway communication under one single company, surely no such charge as that could be made?
It would not be a question of whether it was under the management of one, but whether it belonged to one, to A. or B.

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425. If you had to deal with only one company, so far as the public are concerned, it would be cheaper?
Each company avails itself of the short-distance clauses.

426. Lord *Redesdale.*] In the expense of this cartage, how much do you give to the loading and unloading, and and how much to the carriage?
Practically, the handling of the goods in the depôt comes to 9 *d.* per ton. When I said "handling," I mean moving from the railway trucks and putting the goods into the carts; and besides that, there is the horse keep and the horse wear and tear. We know exactly what they do cost; and then there is the wear and tear, and the depreciation of stock, the depreciation of harness, the rates and taxes; the feed of a horse comes to a guinea and a farthing per week.

427. Lord *Stanley* of Alderley.] Do you mean by that the keep of a horse?
What the horse eats is 13 *s.* 4 *d.*, and we reckon 20 per cent. depreciation every year off the horse. In London, they get lame and thrown down, and besides that, it is very hard work.

428. Lord *Redesdale.*] Whether the distance they would have to take the goods from their station is longer or shorter, there would be 9 *d.* charged for handling?
That charge is always contemplated whether they are carted or not.

429. What is the amount which each ton of goods costs for carting?
In round numbers, 5 *s.*

430. Is the 9 *d.* for handling included in that?
It is not.

431. Duke of *Buckingham and Chandos.*] Is the 9 *d.* charged to the public who do not have their goods carted from the station?
Yes.

432. *Chairman.*] The 5 *s.* can hardly be strictly said to be made up of that 9 *d.*?
Five shillings is what it costs, on the average, for delivery.

433. Duke of *Buckingham and Chandos.*] In many instances the 5 *s.* is an agreed sum, is it not?
I think the actual cost to us is 5 *s.* 4 *d.*

434. Five shillings is the cartage for the goods south of King's Cross or Paddington, or Euston-square or Haydon-square?
Yes. If the public fetch their own goods, of course they are not charged so much. There is a discount. There are many people who use their own horses and carts to fetch goods.

435. Should you propose to diminish the charge for the carriage of goods when you get to Smithfield?
I do not think we should.

436. Why do you think the public will get the benefit of the depôt at the Haymarket if they would not at Smithfield?
I think the public would go that way and fetch their own goods, which they would not from Smithfield.

437. If you carried the goods, you would not contemplate a reduction?
Not at present, certainly.

The Witness is directed to withdraw.

MR. WILLIAM CAWKWELL is called in, and examined as follows:

Mr. W. Cawkwell.

438. *Chairman.*] YOU are the Traffic Manager of the London and North Western Railway Company?
I am.

439. This Committee have been desired to consider what provision can be made for the securing such a comprehensive system, with the greatest advantage to the public, and the least inconvenience to the local arrangements of the Metropolis

Metropolis. Can you give us any information which will enable us to come to a satisfactory conclusion upon that subject; first of all with regard to the general question, and secondly with regard to the requirements of your own railway, either for remaining where you are, or for bringing your station further within the limits of the metropolis, and also with regard to inter-communication with other railways?

We are at present extending our line to Liverpool-street, near Finsbury Circus, in connexion with the North London line, which makes a central position for the North Western Company for City traffic. We have also an indirect communication across the Thames, by way of Kensington; that is from the North Western line down to Kensington, where we join the London and Brighton and South Western.

440. Have you any connexion with the South Eastern?

Not with the South Eastern. We have at Kensington with the London and Brighton and South Western only.

441. Is that connexion sufficient for your purposes?

No; it does not serve our purposes for the continental traffic with the South Eastern.

442. Do you consider that a great desideratum?

I think it is rather an important one.

443. How do you propose to obtain that communication?

It might be obtained, by the existing route, *viâ* Kensington, if it were not for the difficulty of getting through the Waterloo station; that is, the South Eastern Company are making a line from London Bridge to Charing Cross, with a junction with the South Western Company at Waterloo. The Kensington line now connects both the North Western and the Great Western, the Great Western with the South Western line between two and three miles from Waterloo Station, and by that means makes a communication from both the North Western and the Great Western with the London Bridge Stations, and also with Charing Cross.

444. Then do you consider your present station at Euston-square what you require, with regard to the passenger traffic and the West of London?

We have the Kensington Station as well.

445. You consider those two stations sufficient?

And we shall have a station at Liverpool-street for the City.

446. Lord *Redesdale.*] Do you propose to make any junction with the Metropolitan?

We have not decided at present to make any junction with the Metropolitan. I rather think there were powers originally for a junction with the Metropolitan, which have expired, or, at any rate, have not been carried out.

447. Have you a communication with the London, Chatham, and Dover, for the continental traffic?

We have no connexion with the London, Chatham, and Dover. The London, Chatham and Dover runs into Victoria Station, not into the Kensington Station.

448. You have a junction with them before they get over the bridge at Battersea?

No. We have with the London and Brighton, but not with the London, Chatham, and Dover.

449. *Chairman.*] Do you consider it will be possible to frame a scheme by which full accommodation should be given to all the principal railways on the north with the south?

The Kensington route, as I said before, forms a communication between the South Western and the Brighton, and the Great Western and the North Western. There was a scheme projected, but which, I think, never got before Parliament, for connecting Liverpool-street with the Cannon-street Extension. The South Eastern Company cross the Thames to Cannon-street, which is a very short distance from Liverpool-street. Again, the Cannon-street connexion would make a perfect communication across the Thames with the southern lines at London Bridge Station.

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450. Have you ever considered whether it would be possible for you to join with the Midland and the Great Northern, by widening the line so as to make it one which will be available for communication with the South Eastern?

The Metropolitan, at present, has such a very large local traffic of its own, that I am afraid there would be a difficulty in working through traffic.

451. Do you think it could be done if the line was doubled?

I think it is very doubtful. I do not think it would be as good a connexion as this one, viz., the junction by Cannon-street.

452. Lord *Colchester.*] From Liverpool-street to Cannon-street the line would be above ground?

Yes.

453. The other would be underground?

Yes.

454. *Chairman.*] Supposing it should be the opinion of Parliament that some independent authority should devise some general scheme to serve the interests of the different railways, as well as of the public, do you think there would be much difficulty in getting the different companies to combine to carry out such an arrangement?

I think not. The North Western Company, at one time, had a scheme for joining Euston-square with Charing Cross, by an underground railway down Tottenham Court-road; that is, to join the Charing Cross Station of the South Eastern.

455. Was that project abandoned through the difficulty of construction?

The great expense, and the difficulty of construction. We decided at that time in favour of another project which was utilising the North London line, and giving an access for the City traffic. An underground railway along Tottenham Court-road would make a very good connexion with the northern railways and the south. The Midland and the Great Northern Stations are not far from Euston-square, and there is no doubt they might be connected with it by a tunnel, but I still think a connexion of London lines above ground is better than underground.

456. Lord *Stanley* of Alderley.] Do you think it would be more desirable to have one general scheme common to all railways, and that each railway should have its own line to bring it to a central terminus in the City, and also to bring it in connexion with the south?

There is no doubt that if a comprehensive scheme could be made for joining the lines generally on one side of the Thames, with the lines on the other by one route, that it would be better than making so many lines across the City.

457. Do you think, if such a scheme was carried into effect, that it would be easy to come to some arrangement, which should give all the necessary facilities to each company?

Quite so.

458. Might that be effected by a delegation from each company which should form a central committee who should manage it?

It should be worked by a joint committee of the companies interested in the lines. There are already many examples of joint committees of the different companies working joint stations, and joint lines.

459. You also think that there would be no difficulty in making arrangements between these different companies as to the contribution which each company should make towards the expenses of the line?

No.

460. Lord *Redesdale.*] Supposing such a communication is made for all the lines going northward, with the lines at Charing Cross, would you propose to have on that line a central passenger station common to all, or would you retain your present passenger stations?

I think the companies would be obliged to retain their present passenger stations in connexion with their lines, because those are useful for local traffic as well as through traffic.

461. Do you think they could make up their trains at one central station, which would be more available for the West End? *Mr. W. Cawkwell.* 24th April 1863.
I think each company would run its own trains.

462. Departing from a common centre?
Yes; the trains of each company would have to leave at the time that was suited for the traffic of the particular line.

463. Do you think that one common central station for all the northern lines could be conveniently situated in the western part of London?
I do not think it could.

464. Do you think that the traffic to it would be too great to be conveniently accommodated in the streets?
I think it would be a very great expense to concentrate all their stations to any central point of that kind.

465. Have you ever studied the scheme proposed by the Great Northern line for a station near the top of the Haymarket, which is what is called the Regent Circus Railway?
No; I do not think I have seen that.

466. Lord *Stanley* of Alderley.] Still, if there be a central station at Charing Cross, with a view to communication with the metropolitan district, which would be common to all, would not all the companies wish to avail themselves of that station, as the point of departure for persons living in that part of the town?
I think they would still retain their present stations.

467. Do you think that the trains would start originally from the Charing Cross Station?
Their trains would start from the Charing Cross Station, calling at the present stations, and then going on.

468. You think a train belonging to each separate line would start from Charing Cross?
Yes.

469. Lord *Redesdale.*] What is your opinion as to the convenience of the public, having all the passengers from the west end of the town coming to one station; whether they are going by the Great Northern, the Midland, the North Western, or the South Eastern Lines; could that be conveniently done? Do you not think that the traffic would be absolutely blocked, in the streets approaching the station?
I have no doubt that it would cause a great concentration of the traffic there; but I do not think the companies would ever adopt one general station for goods.

470. *Chairman.*] These two questions are quite separate, are they not; having a station altogether, or having a line in common, with stations at some little distance from each other?
Yes; for instance, it was proposed in the Charing Cross scheme to make a station in the neighbourhood of Oxford-street, which would be a very great relief to the street traffic.

471. Duke of *Buckingham and Chandos.*] Would not the effect of that plan be, that one company would start from Oxford-street, while the other was starting from Charing Cross?
All the companies might, by arrangement, either use the same station, or start from separate stations.

472. Lord *Stanley* of Alderley.] Would not every company wish to start from Charing Cross?
No doubt.

473. Lord *Redesdale.*] They would all make up their trains at one central station in the first instance, would they not?
I do not think they would make up their full trains; they would bring carriages from the West End, in connexion with the carriages at their principal stations.

474. Duke of *Buckingham and Chandos.*] Can you state what classes of goods,

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and what weight of parcels are ordinarily carried with the passenger traffic now?

We do not carry goods with the passenger traffic; we carry parcels; they are passenger trains, and nothing else.

475. To what weight do you limit the parcels?

It includes small parcels up to 15 or 16 pounds weight; very few large parcels go with the passenger trains; in fact the rates that are charged by the passenger trains have a tendency to throw the heavier class of parcels into the goods trains.

476. Do you take fish with the passenger trains?

Yes.

477. All the companies take fish with the passenger trains?

Yes.

478. And milk?

We carry very little milk by the North Western line; I do not think much of the fish would get to the central station; it might be quite as near to cart it from the Euston station as to take it to the central station.

479. *Chairman.*] Do you think it will be possible, supposing a comprehensive scheme could be adopted which gave general satisfaction to the railway companies, to prevent any other schemes which might conflict with that being introduced within certain Metropolitan limits?

That is if a comprehensive scheme were laid out by the present railway companies to come to some central point.

480. In communication with each other, and to have, without prejudging the question, each of them stations near the centre of the Metropolis, which they all seem to desire, as I understand?

Yes.

481. Do you think it would be a judicious recommendation on the part of this Committee, that some general scheme of that sort should be adopted, and that afterwards a prohibition should be put upon the passing of any Bill for separate and independent lines within the Metropolis?

I cannot say if any other company made out a really good case for the extension of their line, that it should be refused; although I do not think it is likely that it would be granted unless a very strong case indeed were made out for it. I think it possible that a separate company might be able to make out a sufficient case to warrant a separate station being made.

482. Lord *Redesdale.*] Do you think it would be worth your while to spend a great deal of money to get to a central station?

I do not think the North Western would spend a very large sum of money, because, as I explained before, we have a communication across the Thames by the Kensington route. The reason why we abandoned the Charing Cross scheme before, was on account of the expense.

483. Lord *Stanley* of Alderley.] Would it not also be of great advantage that a scheme should be carried into effect, which would enable all the different railways to communicate with each other?

No doubt.

484. So that the traffic might pass from one railway to another, by some lines going through the Metropolis?

The north lines are all connected. We can exchange on the north side, but not on the south side of the Thames.

485. Can you exchange with the Eastern Counties?

Yes, we can and do exchange goods traffic.

486. Duke of *Buckingham and Chandos.*] Is there any practical difficulty in sending the goods traffic from one railway north of the Thames to any other railway north of the Thames?

No.

487. Is there any practical difficulty in sending traffic from the Midland or the North Western line, to the south of the Thames?

No; the present mode of doing that is by means of the line from Willesden to Kew and *viâ* Kensington.

488. By means of that communication, has not a large quantity of coal gone from the Midland and North Western lines down by the Brighton and South Coast line?

We are now sending about a thousand tons a week by the Brighton line.

489. A considerable amount has gone by the South Western, has there not?

Yes; and I believe the tonnage to the Brighton line, by the communication through Kensington, will increase; but the Kensington route does not at present afford a convenient communication with the South Eastern line.

490. Lord *Redesdale.*] But you get a communication by Reigate, do you not?

Yes, by a circuitous route over the lines of other companies.

491. Duke of *Buckingham and Chandos.*] Did you not in the Russian war convey stores from Woolwich to the north?

I think very little was passed by railway. Some little was, but it was principally taken by barge, or carted.

492. Some did go?

Yes.

493. From your experience, do you think that it would be preferable where you have any large quantity of goods traffic to send to some point south of the Thames, to send it by lines outside London, and not to bring it through your principal station, or to have a communication direct through London?

There is no doubt that the most convenient course would be to have a communication through London, and I think that the Cannon-street system for the North Western would be the most convenient. Our trains would then first come up to Camden Station; they would deposit all the goods they brought for the London trade at Camden, and then proceed on the North London line, direct through the Camden Station, up to Liverpool-street, and from there across to Cannon-street, and deliver them to the South Eastern; that is the most convenient mode. If it were done outside London, it would necessitate a sorting station outside London, where the goods intended for the southern lines would be deposited, and the train would still have to go on to Camden and Liverpool-street with the remainder of the traffic. The most convenient way is to keep it as unbroken as possible through London.

494. Lord *Redesdale.*] I suppose you will have a considerable sorting station at Willesden?

Not very large, and it is used for mineral traffic only; it is very inconvenient to have sorting stations for general traffic away from a large place like London.

495. Duke of *Buckingham and Chandos.*] You have a large exchange of minerals there?

For minerals we can use it, because we bring minerals principally in train loads; but it is difficult to use the West End lines and stations for collection of goods traffic, because the goods have still to come to Camden to be sorted.

496. Does your experience of the traffic lead you to think that you will have train loads of traffic to go to the south?

I think the goods traffic will never be brought up in train loads to go south of the Thames; it will always come up with the London traffic.

497. If you had a connexion from Liverpool-street to Cannon-street, it might be made the means of affording a communication for the traffic of the Eastern Counties to the south?

Yes, for the Eastern Counties and also by means of the North London for the Great Northern and the Midland.

498. Lord *Colchester.*] It would suit those companies?

Yes; and the North London communicates directly with the North Western; the Eastern Counties have already been proposing to extend their line to join the North London at Liverpool-street; if that were done, the connexion from

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Liverpool-street to Cannon-street would join all those lines with the lines south of the Thames; the Great Western have their junction by running into the Victoria Station; they go there now by an arrangement with the London and Brighton Company.

499. Duke of *Buckingham and Chandos.*] We have it in evidence from Mr. Clarke, that the cartage rate charged for goods in London by the Great Northern, is 5*s.* a ton?

I think it costs us more than 5*s.*

500. Whatever it costs, do you think if you had a depôt in the centre of London instead of Camden or Liverpool-street, that you could make any reduction in the charge which the public would get the benefit of it?

I think that is very problematical; if we cart from Camden, it costs us from between 5*s.* and 6*s.*

501. Lord *Stanley* of Alderley.] Do you cart yourselves, or do it by means of carriers?

We do it through agents, but we know the cost of the cartage.

502. Duke of *Buckingham and Chandos.*] Do you find any great inconvenience, as far as distance goes, by the West London Extension, in consequence of its not being under one uniform control?

I do not know that we feel much inconvenience, because the North London is so much North Western that we have no difficulty in that respect.

The Witness is directed to withdraw.

Adjourned till Friday next, at One o'clock.

Die Veneris, 1° *Maii* 1863.

LORDS PRESENT:

The Lord President.	Lord Colchester.
Earl of Lonsdale.	Lord Stanley of Alderley.
Viscount Eversley.	Lord Belper.
Lord Wodehouse.	Lord Lyveden.
Lord Redesdale.	Lord Taunton.

THE LORD PRESIDENT in the Chair.

Evidence on Metropolitan Railway Communications Bill.

J. Allport, Esq.

1st May 1863.

JAMES ALLPORT, Esquire, is called in; and examined as follows:

503. *Chairman.*] YOU represent the Midland Railway Company?
Yes.

504. You are aware that this Committee has been appointed to consider, among other matters, "What provision can be made for the securing such a comprehensive system of Railways within the limits of the metropolis, with the greatest advantage to the public, and the least inconvenience to the local arrangements of the metropolis." Can you give the Committee any information upon this subject; and will you state what you consider are the wants of your own Railway with regard to access to the metropolis, even beyond the proposal in the Bill which is now before Parliament with respect to communication with other Railways?

It would be useful if I were to explain the nature of that portion of the Midland traffic, which more particularly requires metropolitan communication and access to other Railways, that is the mineral traffic. The Midland Railway passes over the largest and the least worked coal field now in England. From a very small beginning, about 12 or 14 years ago, not exceeding 150,000 to 200,000 tons a year, we are now carrying on the Midland Railway about 5,000,000 tons of coals per annum. The Midland was the first Railway which introduced inland coals into London. The quantity brought by it has gone on gradually increasing until it has now reached (from collieries upon the Midland Railway) about 800,000 tons, which was the quantity carried by us last year of the total consumption of, I think, about 4,500,000 tons, used in the metropolitan circle, embraced within the Coal Duty Act. So that practically we are now sending into the metropolis one-fifth of the entire consumption. That, I have no doubt, will go on increasing very largely, and more especially if we get access to the Railways upon the southern side of the Thames. Our coals already by a very circuitous route find their way down as far as Brighton, and I have even seen them at Dorchester, Southampton, and the whole of that district. If we had an easy access to the south of England, I have no doubt it would tend very greatly to diminish the price of coal and increase the consumption. We have always looked favourably upon any schemes which tended to connect the north and the south. Circumstances have arisen within the last few years which have in a great measure separated the interests of the Midland and the London and North Western, and it becomes absolutely necessary, if that traffic is to be developed to its full extent, that there should be some more independent outlet than that which already exists. The Committee are probably aware that there is a Railway across the Thames in the neighbourhood of Kensington; but, in order to enable the coal which comes over the Midland to reach that line, it is necessary that the coal should pass not only over their own line, but on the

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North Western by way of Rugby. My own opinion is that that would accommodate a considerable district; but we want a still more independent and a better access. If the Committee will permit me, I will point out to them on the plan what I mean. The Midland is at the New-road, between the Euston-square and the King's Cross Stations. I have a plan here which shows it better, and which has been coloured for the purpose. That is the Euston Station, that is the King's Cross Station, and that is the proposed terminus of the Midland. This, coloured pink, is the land already acquired by the Midland, upon which we are erecting very extensive goods warehouses, coal wharfs, and other conveniences. We have altogether about 40 acres of land. Looking at this map, it will be seen that the North Western crosses the Thames, going through Kensington straight on, and joining the Brighton and South Western a short distance south of the Thames. It is a very circuitous route for the Midland to get there. The North Western objected to a branch which we introduced into Parliament for that purpose, and we had to withdraw it. They say that this line is very much crowded with traffic; it is a loop line to their main line, and if we brought extra traffic to it, it would have the effect of inconveniencing them very materially. Our object was to avail ourselves in some way of this communication across the river. This is the Parliamentary line already granted, called the City Junction Railway. The same means of access would immediately put the Midland into communication with the South Western and the Brighton lines. Of course I am aware that these lines are owned by various parties; and it is a matter of the greatest importance, particularly with regard to the coal traffic, that the coals should be carried on as few independent lines as possible. As an example of that, I may state that we are now carrying coals from Derbyshire and Nottinghamshire to London for about 6 *s.* a ton. The charge over the independent lines to Kensington Basin is 2 *s.* per ton, which practically has the effect of stopping that traffic. Of course it is necessary to charge a high rate if the line over which it goes is very costly; but if some line could be made which would not interfere with the metropolis, and which could be constructed comparatively cheap, it would, in my opinion, be the best communication with the South Western, the Brighton, and the other systems of Railway in the south. On the other side of London, I think it is very desirable that the best communication should be had with the London, Chatham and Dover, and the South Eastern. I know, from communications which I have had with those companies, that they are anxious to develope the coaltraffic upon their respective lines. That is not, I am afraid, quite so easy as at first sight might appear, except through the Metropolitan, and by means of the London, Chatham, and Dover Extension to Farringdon-street. The Midland proposed a communication with the Metropolitan near King's Cross; but in consequence of the large traffic which has been developed upon that line we have abandoned that scheme, leaving for future consideration how the Midland can best be connected with that line, so as to get access across the river to join the London, Chatham and Dover, and the South Eastern. It has always appeared to me most desirable for the passenger traffic across London if the three Northern lines, the London and North Western, the Great Northern, and the Midland, could in some way be connected with the Charing Cross Station, so as to avail themselves of that crossing of the Thames; that if that could be effected, it would greatly relieve the carriage traffic upon the streets. I am not an engineer, and therefore it is not for me to point out how that can be done. It would not be a very lengthy line, the three stations being close together. The Charing Cross Station being already authorised, and in course of construction, it does not appear to me that a plan connecting the three northern lines with the south and the south eastern coast, would involve a very serious expense.

505. Is your opinion very much in favour of conveying your coal traffic by a short line across the metropolis in that manner, or do you think that a line outside the metropolis would give you an independent access, and be equally satisfactory to you?

I think a line outside the Metropolis would in every way suit the coal traffic better than a line going through the Metropolis. It is a mistake to suppose that the coal traffic can be worked during the night. It must be worked with economy, and we find the best way of working it is to bring the train up, and take it through at once to the extreme point to which our engines have to carry the

the traffic. I do not think a line through the heart of London would be convenient for the exchange of heavy traffic of that description.

506. For what purpose should you wish that this short line which you consider might be made available by the North Western, the Midland, and the Great Northern, should be made?

I think for passengers. There is a very considerable traffic in passengers passing through, but not stopping in London, from the North of England, going to the south or to the continent. We find, from our experience, that the blocks through the quantity of traffic in the streets, causes at times great inconvenience to passengers who arrive just in time to catch the express trains to the south and to the ports of Dover and Folkestone, and very often they are so long delayed that they lose the train. That inconvenience would be obviated by the construction of a short passenger line to Charing Cross.

507. Supposing that communication is made, would you propose that there should be one joint station common to the three companies, or that they should have three distinct stations, although the communication is open to all?

I believe that neither of the companies, the London and North Western, the Midland or the Great Northern, would ever contemplate using a central station for the whole of the metropolitan traffic; in fact it would be impracticable. I am of opinion that a central station, such as has been advocated by some parties, would be an impossibility. The widest streets in London would not be sufficient to accommodate the carriage traffic that would encumber it in coming to or going from such a station; I think it would be far better that there should be stations outside, and a central station for that immediate district, but more especially for the through traffic. Provided proper arrangements could be made, I think the companies would feel it to be their interest it should be so. If they did not, I think that Parliamentary interference should compel it. If there were some communication of that sort, passengers would not only be saved the inconvenience of getting out at Euston-square, or even at Charing Cross Station, but they might go on to the city, or to Waterloo Station, according to their destination. I think this line should be made jointly, at the expense of all the companies.

508. Do you think there would be much difficulty between the companies in coming to an arrangement to that effect?

I think it is very likely, if the companies were left to themselves.

509. Do you think that the City Junction would be facilitated by any general scheme laid down by some independent authority?

I think it would. It must be evident to all that there is a jealousy existing among the companies; and I do not say that our company is more free from that than the other companies. As that feeling exists, there must be some independent authority to reconcile the conflicting interests. The North Western and probably the Great Western would say, "We are perfectly content to remain as we are," the North Western having a very good communication already with the south side of the river. Looking at it in a public point of view, I think it very desirable that some independent authority should step in, and say what should be done to facilitate communications between all these companies north and south.

510. If any satisfactory scheme were laid down by an independent authority, and two of these great companies which you have mentioned were to agree to make it, do you think that the third would like being left out of the arrangement?

I do not think it would. There are about six or seven lines all interested in this question—the London, Chatham and Dover, the South Eastern, the South Western, the Brighton, the Great Western, the North Western, the Midland, and the Great Northern. Those companies are all very much interested in obtaining the best communication. I have already referred to the coals and the passenger traffic; but with regard to the goods traffic, which, after all, is the traffic which is obstructing the streets very much, the communication between north and south is increasing very rapidly. The treaty with France has enabled us to increase our traffic from Bradford, Leeds, Sheffield, Nottingham, Derby, and, in fact, the whole of the manufacturing districts. We are sending a very large traffic now to London, and carting it through London to the southern stations. We are now running over the Great Northern Railway to their present

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station. That has been in operation about four years. We are carting through London about 100,000 tons of goods a year. That must go on increasing very rapidly, and in the course of a few years I have no doubt it will have increased five or six fold, if not more.

511. You state that, in your opinion, with regard to the coal traffic, it is most important that it should be established on an independent line, or, at all events, not have to go over separate lines to the south; and that a railway outside the Metropolis will be more satisfactory than through the centre of it?
Quite so.

512. With regard to the passenger traffic, you are extremely anxious for a communication with the Charing Cross Railway, which you think might be held in common by the Midland, by the North Western, and the Great Northern Companies?
Yes.

513. With regard to the ordinary goods traffic, such as that you have described as going to France, what do you propose as the best thing to be done?
That traffic would necessarily cross the river at Charing Cross to proceed by the London, Chatham and Dover, or the South Eastern. Those two companies practically take the bulk of the goods to the continent.

514. Might not those goods follow the same course as the coals?
Not so well. By the Kensington route the coals would have to pass a considerable distance over the South Western main line to get access to the other railways; that line would, practically, bring the coals to the South Western and the Brighton. The railway which goes by Blackfriars Bridge might be used by the London and Chatham and Dover and the South Eastern for goods and coals. Then the station at Charing Cross would be exclusively for passengers. If you use the London Chatham and Dover line for goods, it does not connect with the South Eastern. No doubt if a line outside London in a more easterly direction were made, it would be better still; but that is out of the question. A bridge could not be made across the river without interfering with the shipping, it must be somewhere above London Bridge. As it is desirable not to have too many communications, we must put up with the evil to that extent; and that would be the communication for a considerable passenger traffic.

515. Lord *Redesdale.*] Are you aware of the proposals which have been made to use the Thames Tunnel as a railway communication?
I am. None that I have yet seen would accomplish that, the gradients are so bad. If that could be made available by means of good gradients, I think it would be very desirable indeed.

516. Would not the very bad gradients be for a short distance?
For nearly the whole distance. As I have already explained, it is very desirable that trains, particularly with mineral traffic, should be taken to their ultimate destination without dividing them. All the schemes which I have yet seen for utilising the Thames Tunnel would involve the necessity of each train being divided into two, if not more trains; in fact the number of divisions of the trains which would be necessary, would tend to block up the line. I understand there is a scheme about to be brought out to enable a line to be carried under the dock property, so as to get better gradients, but I am not aware of the details of it.

517. What is the gradient of the proposed line of this Session through the Thames Tunnel?
I think it is about 1 in 30. That would be quite impracticable for heavy traffic.

518. Is that the gradient on both sides?
I think it is on one side.

519. On which side?
On the north side. On the other side I believe the gradient is about 1 in 30.

520. What distance are they from each other?
I think Colonel Yolland will answer that question better than myself.

Colonel

Colonel *Yolland.*] The width of the Thames. The tunnel itself is on steep gradients. I do not know what it is; but, judging from the eye, I should say the gradient in the tunnel is about 1 in 35.

521. Lord *Redesdale.* (To Mr. *Allport.*)] As regards the coal traffic of which you speak, the steep gradient on the north side would not be of so much importance?

No, because the gradient would be with the load.

Colonel *Yolland.*] The gradient is 1 in 50, ascending on the south side; there is another of 1 in 36. Those are the gradients. In the Tunnel itself there is a descending gradient of 1 in 94, 1 in 51, 1 in 50, and an ascending gradient of 1 in 36. The gradient of 1 in 36 contrasts favourably with the 1 in 17.

The *Witness.*] In addition to the coal traffic and ordinary goods traffic, we find there is springing up a very considerable iron traffic with France. We are now sending iron through London for the continent in considerable quantities. The traffic of the Midland has risen very rapidly, owing to the increase which has taken place in the manufacture of iron within the last few years. When the North Midland line first opened there was scarcely any iron works on the entire line from Leeds to Derby. There is now almost one continuous line of manufactures from end to end. There is scarcely a week passes that we have not to make a siding either to collieries or to iron works. It is a most valuable district both for coal and iron, and will, no doubt, rise very rapidly. South Yorkshire and North Derbyshire, in the course of a few years, will be two of the most important seats of the iron manufacture in England.

522. Would not a railway outside the Metropolis be equally efficient for the goods traffic, as far as the coal traffic is concerned?

Yes, quite so. What would suit the Midland traffic best is some scheme, independent of any one of the large companies, to connect the northern and southern railways. I think that would be an important public benefit. It would relieve the streets of London very considerably, and it would also be a very great benefit to the companies themselves.

523. By a line to connect the northern and southern railways, you mean a line from the New-road to the Hungerford Station?

That is so.

524. Viscount *Eversley.*] Do not the South Western and the South Eastern almost unite at one point?

They do. It is a very difficult thing to get traffic through where there are several small and independent links in any given route. It would be a most desirable thing if the companies would all unite, and throw the expense of this line upon one common purse, as it were, so that all the companies should have a free and uninterrupted run to join each other.

525. Lord *Redesdale.*] Does not the existence of the power to charge several short-distance tolls operate in many instances as a bar to the use of an apparently valuable line of communication?

Very much so, indeed. I can give a case in point: although the North Western get 80 miles of traffic, and we charge, as I before stated, only 6 *s.* a ton for distances varying from 140 to 160 miles, on passing over a very small piece of line, as it does, at Kensington, there is a charge of an extra shilling. If we join the North London, there will be another charge of a shilling, making 2 *s.* for a distance of some three or four miles; whereas we are bringing it 150 miles for 6 *s.*

526. Lord *Belper.*] Supposing there were a central railway station at Charing Cross for the use, in common, of all the great railways, would not that have the effect of blocking up the streets, and causing a number of passengers to start from your present station?

I think it would be a great misfortune if you were to have a great central station in any part of London.

527. *Chairman.*] Supposing a passenger wishing to go to Dover, how would he get from your present station, when there is a station at Charing Cross.

If there was good passenger accommodation, and a station in the New-road,

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or King's Cross, I am of opinion, from having watched the traffic for a considerable number of years, that all the West-end traffic would alight at the present termini. The North Western have had the North London in their own hands. It has been open for some years, and gives direct communication with the City; but it is a remarkable fact, that very few passengers indeed alight at Camden, where they exchange for the city terminus. The driver of every cab leaving Euston-square or King's Cross Stations has to state his destination. The great bulk of the long passenger traffic goes west of Temple Bar. I do not think many West-end passengers would go down to Charing Cross; they would still leave the trains at Euston and King's Cross.

528. Lord *Redesdale.*] But if that line were made to serve three railways, would it not be almost necessary to have some legislative provision that the trains should still be made up at their present stations?

I think it would; I do not think the companies would at all object to that.

529. In point of fact you would make that line merely, as it were, an omnibus line?

Yes; the very operation would involve that, because there must, to a certain extent, be delay. You would have to change your passengers, or, at any rate, to take some carriages off, and allow the main train to go forward. The time occupied in either changing the passengers, taking the carriages off, or going to a local train, would enable a passenger to alight at Euston-square, get into a cab, and be half way on his journey home, before the train could arrive at Charing Cross. I am quite of opinion that that station would not be used as a great central station for London traffic, but more particularly for traffic going from the north to the south.

530. Do you not consider that it would be so injurious to the South Eastern traffic, which already has Hungerford Market as a proper starting station, that it would be necessary that some legislative provision should be introduced to prevent its becoming a central station for all the trains?

In the first instance probably not; but if it were found to grow into the evil contemplated, it would be.

531. Is it not better to prevent an evil than to allow it to grow up, and then have to fight it?

Prevention is better than cure in these cases, no doubt.

532. Suppose one of the companies was to find that there was some advantage in using it as a starting station, would not the other companies immediately become rivals to afford the public the same accommodation?

I think that should be prevented.

533. I gather from what you stated, that, so far from those who want to use the Great Northern, or the Midland, or the North Western, being accommodated by using your new station as a starting station, you consider that the present passenger stations would be the proper stations still to look to as the starting places for these lines?

I do.

534. Lord *Belper.*] You are of opinion that the trains should all be arranged there before starting?

Quite so.

535. You think that the liability to change carriages would prevent a large number of passengers from starting from the central station?

I am of that opinion. I frequently come to London for the express purpose of going into the City; and although I come very often by the North Western, I never get out at Camden Town to go to the City; but I take a cab from Euston-square or King's Cross. I think it is very desirable that the Midland should also be connected with the Metropolitan line. How that is to be done, of course, is a matter for future consideration. There is no difficulty in it. We did not anticipate so large a traffic, or we should have gone on with this junction. I think at the point where the Great Northern propose to unite with the Metropolitan the latter should certainly be enlarged. I do not think that two lines of rails

are

are sufficient, and the Great Northern traffic will not be accommodated so well as it ought to be unless that enlargement is made.

536. Should the line which you propose to come down to Hungerford Market be above ground?

I think it should be above ground. I believe that it is far better to make it above ground.

537. Being above ground, how do you think that a communication could be made with the Charing Cross Station?

That is purely an engineering question. I know the Strand is a very difficult point to deal with. I do not think there will be much difficulty in getting under the Strand at some point east of the Hungerford Station; but that is so purely an engineering question, that I should not like to give an opinion upon it. I do not see how you are to get under ground very well near the station.

538. The ground falls very much, does it not, towards the river from the northern part of the Metropolis?

It does. I should prefer a railway above ground.

539. Do you not consider that the Metropolitan Line being under ground, it would be desirable that the other railways should separate from it altogether in its starting, and not interfere with it?

They should not interfere with it at all. I do not think that any of the main lines should join the Metropolitan between King's Cross and Paddington. It would be much better to allow it to remain as it is, because the traffic is already so large, that if they are joined it must be by a more circuitous route. We proposed to leave our main line at a point about 200 yards north of the New-road, then the line falls, crosses under the station and joins the Metropolitan. That would be on a gradient, I think, of 1 in 40. We should cross the New-road, and come back in the direction of the Metropolitan, a little to the east of their King's Cross Station.

540. Lord *Redesdale.*] Where you cross the New-road, would you go under or over the Metropolitan Line?

We must go over the Metropolitan Line.

541. That would get you above the level of your present rails?

Very little; the New-road rises very considerably. The proposed rails are six feet above the level of the New-road, and it falls very rapidly towards King's Cross. Coming on this side, we get over the New-road, and fall down in the direction indicated; but it is quite a question for future consideration, and I am not prepared with any scheme now. I am convinced it will have to be carried out some time or other.

542. Lord *Colchester.*] Did I rightly understand you to say, that the line from the three northern stations to the Charing Cross Station should be a continuous line for passengers, passing from the north to the south of London?

Yes; and as the station at Hungerford Market is in existence, or in the course of construction, it seems desirable that it should be made available.

543. Lord *Wodehouse.*] Do you propose a railway above ground, or in open cutting?

Open cutting, or above ground, as the nature of the ground permits.

544. Do you consider that that would be open to the same objection as a railway underground?

I am of opinion, that a cutting would be much less objectionable than a tunnel.

545. *Chairman.*] Have you any other information to give which you think would be useful to the Committee?

There is one point which I have omitted to mention. A project was brought forward, some years ago, to make a railway on the banks of the Regent's Canal. That, I think, would be a most useful project. It would not interfere with the water communication, but it would enable the Midland, and the London and North Western, and the Great Western, to distribute traffic to various wharves upon the canal as far as the Thames. It would be a most convenient mode for the distribution of goods traffic, and more especially for coal traffic, to the whole of that part of London traversed by the canal. It is a

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scheme which was once suggested to the Midland, and, we looked upon it very favourably. I believe it would be found exceedingly useful in relieving the streets of London of the present crowded traffic.

546. Lord *Lyveden.*] They have no Bill before Parliament for carrying it out at present?

No, they have not.

The Witness is directed to withdraw.

CHARLES ALEXANDER SAUNDERS, Esq., is called in; and Examined, as follows:

C. A. Saunders, Esq.

547. *Chairman.*] I BELIEVE you represent the Great Western Railway Company?

I do.

548. This Committee has been appointed to consider what provision can be made for the securing of a comprehensive plan of metropolitan railway communication, with the greatest advantage to the public, and the least inconvenience to the local arrangements of the Metropolis. Can you give any information which will assist the Committee in coming to a conclusion? With regard to the railway which you represent, do you consider it desirable that greater facilities should be given for the purpose of effecting a communication with the railways which are already in existence within the limits of the Metropolis?

I am not aware that more facilities will be required as regards the Great Western traffic, than the communications which are now made, or being made. We have a communication already with the Metropolitan Railway. Although that has been effected for the purpose of enabling us to carry traffic towards the City, that is the mode, if proper arrangements can be made, by which we shall be able to carry it to a far more central point. We have also already, from Wormwood Scrubbs, a communication with Westminster, which we have commenced working within the last month into the Victoria Station.

549. With which railways south of the Thames are you now in full communication?

We are in direct communication with both the Brighton and the London, Chatham, and Dover Railways, which work into the Victoria Station; and the communication which passes over the Thames by Battersea, connects our line elsewhere with both of those companies by means of the West London Extension Railway.

550. Then you now possess a through communication, both as regards passengers and goods, with the Continent?

I think so, by the Junction with the London, Chatham, and Dover Railway.

551. You are of opinion, as far as your railway is concerned, that you will gain no advantage from having a station more central than that which you have already?

We consider that it is absolutely necessary to have the Metropolitan Railway finished. The Metropolitan Railway now terminates at Farringdon-street, which makes it a very imperfect communication in every respect with regard to our traffic, and which deprives us of almost all the benefits which were originally contemplated by that line.

552. Will you state to the Committee what were the benefits which you expected to derive from that line, and on what points your expectations have been disappointed?

The Great Western Company originally subscribed a considerable sum to that undertaking, for the purpose of getting the through traffic carried on into the City, both passengers and goods. When that railway was about to be opened, they applied to us to assist in working it, which we were quite willing and ready to do. We entered into a provisional arrangement with them for working it. The main object of the directors in that arrangement was to secure to the traffic of the Great Western Company the means of access

access both to and from the City over their line. The Great Western Station at Paddington is a good terminus for the long traffic, but it is very imperfect indeed as regards suburban traffic— that is, for passengers living within a reasonable distance from London. Having done that, it was thought that the Company would effectually secure the benefit to the Company of carrying the through traffic by means of the working arrangements. But the result has been exactly the reverse; and I am sorry to say, up to the present moment, we have been unable to make use of the Metropolitan Railway in the manner in which it was originally designed to make use of it; arising partly from the line being imperfect, and partly from the arrangements which the Metropolitan Company called upon us to make merely for the local traffic, in which the Great Western, at all events, is comparatively less interested. The Great Western do not care so much about the conveyance of passengers passing from the Edgware-road or Portland-place into the City and back. The object we had in view was to make the Great Western a good suburban line of railway, and also to carry the more distant traffic, as well as the local traffic, into the City. That is very much prevented by the course of events which have taken place within the last nine or ten months.

553. Are there any circumstances, which attach to the traffic as it has been developed upon the Metropolitan Line, which have forced that company into not meeting your views?

Yes, I think there are. That Company have given a very decided preference to securing their income out of local traffic rather than out of through traffic. They have not yet completed their line, as we intended they should, and as they are bound by Parliament to do, to Smithfield, which is one of the main points where we are to have the accommodation of a large goods station, as well as to Farringdon-street. They had Parliamentary powers already to make a line into Smithfield. As I said before, the course their directors have pursued latterly has been one which has practically deprived the Great Western of those advantages which were contemplated when they subscribed to the undertaking nine years ago, and also when they consented to arrangements to work the line 18 months ago.

554. Do you think if the Metropolitan Railway Company acted with perfect goodwill, it might, with two lines of rails, meet the requirements of the companies wishing to be in communication with it?

I do not think that two lines will be sufficient to accommodate all their local traffic, all the through passenger traffic, and all the goods traffic into the City. That constitutes a difficulty which, I think, they may meet now, and also when the line is finished to Smithfield. But whether they can meet it when they have finished the line to Moorgate-street is a question of doubt in my mind. That matter has become complicated by an announcement on their part of an intention to let the Great Northern Railway work over the line between King's Cross and Farringdon-street, and also by a Bill, which has been promoted (not in their own name, but through the instrumentality of the same parties), for making a new line from Gower-street station near Euston-square to Tottenham and Hampstead.

555. Lord *Colchester.*] Do you think there is room enough for an additional number of lines of rails through the tunnel?

They could not put any more lines of rails through the tunnel. The tunnel is made under the road, and is only made sufficiently wide for two lines.

556. Lord *Taunton.*] In what way do you think they could obviate this inconvenience?

Unfortunately, they have assumed a right to fix how many trains they will have for local traffic. I am not admitting that they are legally entitled to do it; that is a question in difference between the Metropolitan Company and the Great Western. They have required so many trains for local traffic, that it becomes all but impossible to work through trains over their line in addition to the local trains, with any advantage to the Great Western Company.

557. Lord *Wodehouse.*] Then, the effect of their accommodating the Great Western Railway will be, that they must decrease the accommodation which they give to their local passengers?

I do not admit that proposition. Of course, if the through passenger trains

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of the Great Western are admitted, that may, to a certain extent, interfere with the regularity of mere local trains; but if we had trains running intermediately between the quarter-of-an-hour trains, or even the ten-minute trains, and if the traffic be under one management only, it would obviate the difficulty which now arises from the complicated system of the existing double management. I think the local traffic might be very much assisted by those through trains. I do not suppose that the through trains should run without stopping anywhere.

558. In point of fact, apart from the interests of the two companies, or the legal obligations of either, is it not the fact that there is not sufficient accommodation on these two lines of railway for the traffic of both the Great Western and the Metropolitan Railways?

As they are now, I think there is not, and I have no hesitation in saying that there will not be sufficient accommodation when they finish to Finsbury Circus, unless proper steps are taken to provide it. Knowing the immense number of people who are requiring every day to pass both in and out the station in the City, I think there will be a very great difficulty to carry out all that is required for the purpose. I should mention that the Great Western and the Metropolitan Railway Companies entered into an agreement some time ago with the Corporation of London. When Smithfield cattle market was removed, a question arose, what was to be done with the ground? The corporation have since obtained the authority of Parliament to erect a meat-market upon the land. Upon that occasion an agreement was entered into with the Corporation, by which the Great Western and the Metropolitan Companies jointly, were to lease the basement of the whole of that meat-market for the purpose of carrying on the goods traffic under it. The provision and meat trade is a most important part of the Great Western traffic. The Metropolitan Railway Company have not yet constructed their line to that point where we could carry on that goods traffic, and consequently at the present moment, we are deprived of the advantages which we contemplated in making the agreement referred to with the Metropolitan Company, in being able to bring large quantities of vegetables, meat, fish, and other articles of provision from the country. Connected as the Great Western line is with Devonshire and Cornwall, very large supplies are brought up, and we looked to the Metropolitan Railway as affording the means of carrying those supplies on into the City, to the very spot where they would have to be sold.

559. *Chairman.*] Do you attach importance to connecting the railways north of the Thames with the railways on the south of the Thames?

Most unquestionably.

560. Have you considered the general subject sufficiently to be able to give the Committee any information as to the best means for the public advantage for securing a comprehensive plan of metropolitan railway communication?

I should be sorry to express an opinion upon it, because, in truth, I have not considered the general subject as relating to other Companies. It has been my duty to do so only so far as regards the Great Western Company. I considered that the outline of the legislative measures taken, both for connecting the Great Western line with the railways south, and also with the City, was efficient and good, and capable of carrying out all that we seemed to require at the time they passed.

561. Lord *Redesdale.*] Did I understand you rightly to say that you are now working trains over the West London Railway?

Yes, we are just beginning to work trains into the Victoria Station.

562. Is that for the carriage of the merely local traffic, or what?

At the present moment, I may treat it as the local traffic only; it is not sufficiently developed for other purposes as yet. The whole system is more experimental at this moment than otherwise; it is to ascertain whether the requirements of the public will make it desirable to give a larger development to that system.

563. Are you contemplating the possibility of bringing your western traffic direct to the Victoria Station?

Certainly; that was one great object in subscribing to that measure. At the

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the present moment we are running only eight trains a day to the Victoria Station. We run them to Southall Station, on the Great Western line, a distance of eight or nine miles from London. The Up-passengers for the West-end of London get out of the train at Southall, and, instead of going direct to Paddington, they travel by a succeeding train from Southall Station to Wormwood Scrubbs, Kensington, Battersea, and so on to the Victoria Station. We find that traffic is increasing, and every day more people are anxious to proceed that way. It seems as far as the Great Western Company are concerned, that it will be an important source of new traffic. Goods are forbidden to be conveyed into the Victoria Station by arrangement made with the Marquess of Westminster; we are not allowed to carry goods beyond 300 yards from the river Thames. The population of the West-end is a very moving population, as connected with the Houses of Parliament, the Public Offices, and the Courts of Law. Not only will it be a convenience to those who are now living in the neighbourhood of Windsor, and all that beautiful part of the country contiguous to West Drayton, but more people will go to live there very much in preference if they can travel direct by railway trains into Westminster and can return in the same manner. It is believed that there will be a great increase in passenger traffic of that description from having a direct access to a station in Westminster. The Brighton Company have found that the Victoria Station is a great source of profit to them. And the London, Chatham, and Dover believe it will also be a source of profit to them; but, of course, they have not yet found it so in the same proportion as the Brighton Company, because theirs is comparatively a new line of railway. It will be a great convenience to people who live in London, as well as to those who live in the country; and we believe that the Company will have a large increase of traffic over the Great Western line by means of the direct communication with Victoria Station.

564. Lord *Taunton.*] Do you run any trains through from the Victoria Station to Slough or Windsor?

Not yet; we run to Southall only. We only began that route on the 1st of April; the intention was simply to see in the first instance what are the wants of the public.

565. Lord *Redesdale.*] What is the difference in time between going from Southall to Paddington and going from Southall to Victoria?

At the present moment it occupies 20 minutes more time, but that will be reduced very much. Delay now exists owing to the immense number of trains passing over the Brighton, and London, Chatham, and Dover Railways, which are continually stopped either in going in or coming out of the stations. Unfortunately the entrance into the Victoria Station was constructed in a very contracted shape, something like the neck of a bottle; two lines of access only can by any possibility be placed within that space. The Brighton, the London, Chatham, and Dover, and the Great Western are all anxious to see it widened, and to have more lines laid down; in fact, it has become absolutely necessary. If the Victoria Station is to be of any real importance for public use there must be more than two lines of rails leading into it. There should be five or six lines of railway at least.

566. The whole way from the river?

Yes.

567. And over the river?

Yes.

568. Is there an application to Parliament for the purpose of widening the bridge?

Yes, the Bill is in your Lordships' House.

569. How many additional lines are proposed?

I think the promoters propose to put down three additional lines on the bridge across the river; but they propose to lay down six or seven lines of rails up to the river.

570. Viscount *Eversley.*] Do you run on the narrow gauge from Southall?

We run at present with trains on the narrow gauge; but have broad and narrow gauge rails for use all the way into Victoria Station; there is no break of gauge.

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571. Lord *Redesdale.*] Do you contemplate getting any approach to the Victoria Station without crossing the river?

No, we do not contemplate that necessity, but have become large subscribers to the present West London line. It would only give us a very expensive mode of getting into the Victoria Station, with passengers only. The amount expended gives a communication with the South Western Railway near Battersea, a communication with the London and Brighton Railway towards the Crystal Palace, by the Crystal Palace Line, besides one with the London and Brighton Railway and another with the London, Chatham, and Dover in the Victoria Station.

572. Have you any communication with the Eastern Counties district?

None whatever.

573. Is there not traffic from your line that gets that way?

The only communication with the Eastern Counties is over the North London Railway. The Prince of Wales, the other day, came up by the Great Eastern Railway, and went to Windsor direct; but that was not accomplished through any communication with the Great Western Line; he came up by the Great Eastern Railway, then by the North London; and he went to Kew, and in that direction to Windsor.

574. You have no junction with the North London Railway?

None whatever.

575. Lord *Wodehouse.*] Would it not be desirable hereafter that you should have some means of bringing the Great Western traffic nearer to the City than the Victoria Station?

The Metropolitan Railway will accomplish that object, as we hope.

576. You rely upon the Metropolitan Railway for that purpose?

It would be very circuitous for the City traffic by the Great Western Line to pass through the Victoria Station.

577. Lord *Lyveden.*] Although you are not prepared to state how any arrangements could be effected between the railways north and south of the River Thames, does it occur to you that there is not any objection or difficulty in such an arrangement being carried out.

I do not know enough of the subject to express an opinion.

578. You do not know enough of the matter to enable you to say that there would be no great difficulty?

I do not.

579. Lord *Taunton.*] Do you think it is important that all these subjects should be investigated by some independent authority?

That is a question I am scarcely prepared to answer; if all the parties could be fully heard in the presence of each other, I should be very favourable to a mode as such, if it could be adopted; but I foresee great evil arising to promoters of railways from a partial examination, if not conducted in the presence of each other, and openly to the public.

580. If there was any such general consideration given to the subject, do you think it of importance that the passage over the river should also be part of the scheme?

Yes; that, no doubt, should form part of it. The Great Western Railway Company have expended a great deal of money latterly in making that communication across the river. The cost of transferring goods traffic from station to station is very great; it costs 6*s.* or 7*s.* per ton, more or less. You have to receive the goods traffic in your own station, and manipulate it there, and cart it away; it has to submit to the process of delay; it then goes into some other station, where it undergoes as imilar manipulation. That costs from 6*s.* to 7*s.* per ton, according to the nature of the articles. Therefore, I have no hesitation in saying that that should be avoided as much as possible on public grounds, saving money, and accelerating the exchange.

581. Do you think that many of the inconveniences which at present exist might have been saved if these subjects had been considered some few years ago?

Yes, a great deal of money would have been thereby saved.

582. Do

582. Do you think that even yet it would be of extreme importance that some such general consideration as has been suggested should be given to it? *C. A. Saunders, Esq.*

I think a general consideration of the subject is of great importance; I have no hesitation whatever in saying that, if this had been settled and carried out 10 or 12 years ago, the Great Western might have saved a considerable amount of money by the operation of it. 1st May 1863.

The Witness is directed to withdraw.

ARTHUR WIGHTMAN, Esquire, is called in, and examined, as follows: *A. Wightman, Esq.*

583. Lord *Redesdale.*] YOU are the general manager of the London and Blackwall Railway Company?

I am.

584. The Committee are appointed to inquire into the best mode of obtaining a comprehensive system of metropolitan railway communication, and to consider what provision can be made for securing such a comprehensive system with the greatest advantage to the public, and the least inconvenience to the local arrangements of the metropolis; is there anything which you desire to state on that subject?

I have been manager now of the only line which has a City terminus at present for the last 23 years, that is the Blackwall Line, the terminus of which is in Fenchurch-street. That line has been connected by a branch from Stepney to Bow, with the Great Eastern system for some years, and also with the northern railways, by means of the North London Line going on to Camden Town. At present we receive from the Great Eastern system a very large passenger traffic at Fenchurch-street. It does not come very far on their system, and is mostly a suburban traffic. From the other lines we receive large quantities of goods, which are not brought up to Fenchurch-street, but stop a quarter of a mile short of Fenchurch-street, at the Minories, where the North Western have a very large goods depot called Haydon-square, in and out of which are probably carried 200,000 tons a year. The Great Northern have a depot there likewise, at Royal Mint-street, where they are doing now about 60,000 tons a year. It has been established two or three years. The Midland Railway have also a depot close to the Great Northern, where they are now doing nearly 1,000 tons a week. That has been opened only a very short time. All these goods come over the Blackwall system by the North London. The North London is somewhat in the hands of the London and North Western, and the two latter companies only go over that line by permission. The London and North Western, having a very large interest in the North London, of course their goods come over that line of their own free will. Altogether we have from the different northern railways about 300,000 tons a year out and in at the present moment; independently of coals, which are brought from the Clay Cross district to Shadwell. That traffic has not been established long, not more than 3 years to 3½ years. It began with 30,000 tons a year, and now it considerably exceeds that. We have also several depots for the reception of coals which are brought from other districts. The Fenchurch-street station has been considerably enlarged within the last 10 years for the better accommodation of the passenger traffic. The London, Tilbury, and Southend Line, which is 40 miles long, runs entirely from there. The goods carried on that line are also brought up to the Minories. The goods from the Victoria Docks are entirely brought up to the Minories, where there are very large bonding warehouses, which have been built at an expense of 150,000 *l.* At the present moment they are completely filled with goods to the value of 2,000,000 *l.* That great quantity of goods being centred at a spot which is not quite within the boundary of the City of London but just outside the old walls, a large portion of that, no doubt, wants to find its way, independently of what is delivered in the City, across the Thames. I am not prepared to say what it should be; but there is no doubt that a larger outlet is required for that. Two schemes have been proposed during this last year to relieve the traffic of London Bridge. One of those schemes was for utilising the Thames Tunnel, and coming on the Blackwall Line about three-fourths of a mile down the line, and then passing over the London Docks at a very inconvenient elevation. It then dipped down, and went underneath the river by the Thames Tunnel. That scheme was very much opposed by the London Docks,

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because it certainly would have interfered with the trade inside the docks, inasmuch as it was proposed to pass over the lock between one dock and the other at a very slight elevation; and a swing bridge, no doubt, would have been a very great obstacle in the way of their trade. We are now making a branch into the London Docks, which will possibly be opened this year. I was before the London Dock Committee the other day when they were discussing this very Bill. It has subsequently been withdrawn. It was called the Rotherhithe Bill. The London Dock Committee said it would probably be better for them to get rid of the nuisance of repeatedly having Bills brought forward which would affect their docks, by agreeing to some plan by means of which the Thames Tunnel could be utilised, and so bring traffic that way. They quite concurred with me, and stated that they should instruct their engineer to see what arrangements could be made for passing a line of railway underneath the lock of their dock, so as to join the Blackwall line at some future day, and thus utilise the Thames Tunnel, and be enabled to go from the Blackwall to all the systems on the south side of the river. There was another scheme projected by Mr. Page, the engineer of Westminster Bridge, which was to have a high level line over the river at the Tower to join the Dover and South Eastern lines about three-quarters of a mile, or half a mile down their system, and join us somewhere about Cooper's-row, coming from Tower hill at the back of the Trinity House. I do not think that would be so good a plan for the heavy traffic as the other plan. I think that goods would be got out of the way quicker and better if a comprehensive system according to the other plan was laid down; so that in those very large depôts a train could be made up, or trains made up of goods wanting to go to the different stations on the south of the Thames, and thus reduce the very large quantity of carting which must take place within a radius of half a mile in connection with 300,000 tons of goods. A good deal of that traffic must necessarily go down Fenchurch-street, and then over London Bridge, or find its way down Eastcheap, and in that direction. As regards the communication for passengers there is now sanctioned by Parliament a station to be made in Cannon-street; that is, as the crow flies, about a quarter of a mile across to Fenchurch-street. If a line was made from Fenchurch-street to join the Cannon-street line there would be a communication then entirely between north and south. The only important street that would be crossed is King William-street, because the intervening streets are, what we call in the city, lanes. It would go between the two thoroughfares of Eastcheap and Fenchurch-street.

585. Do you suppose that that would be an underground line?

No, on the same level; we are both on viaduct; the Blackwall is on viaduct, and the Cannon-street line is on viaduct; therefore the link might be upon viaduct also.

586. What is the size of your Fenchurch-street Station?

Our Fenchurch-street Station is at the present moment 400 feet long with 100 feet of covered way, and perhaps 150 feet of uncovered way.

587. It is simply for passengers?

It is simply for passengers. We have five lines of rails laid down, and four platforms.

588. How many lines of rails have you along the whole of your railway, from the junction with the North London Railway at Bow, to Fenchurch-street?

We have four lines of rails some part of the way to the Bow Junction. It then comes into two at Stepney, then from Stepney into three. At Stepney there is the largest quantity of traffic in consequence of the Blackwall fork. We have three lines of rails, and we have also land sufficient in our possession to make another line of rails.

589. Have you found those three lines of rails sufficient for your traffic?

At present we have. I must state that three lines of rails which are worked for a short distance are almost equal to four lines, for this reason, that two lines are kept for up-trains, and one for down-trains. A traffic which is regular you can easily regulate, but that which comes from a distance you have not the same command over, consequently we keep one up line for our quarter of an hour traffic from Camden-town *viâ* the North London, and from the Brunswick Wharf up to London. There is an irregular traffic coming from the Great Eastern system, and also from the Tilbury and Southend system, which uses the

the other up-line. We keep the middle line as the down-line for all parts, regulating the starting of the trains one after the other.

590. *Chairman.*] How many trains do you run?

On the Blackwall system per day there are about 380 trains, in and out.

591. During the four and twenty hours?

Yes. There are not many run during the night. There are a few goods trains come in late at night. They mostly come in early in the morning; I think the last goods train is the Great Northern Wool Train, which goes out at 11 o'clock at night.

592. Do you carry much goods traffic in the day time?

Yes. There is very little goods traffic moving in the middle of the day on the great lines of railway; they are collecting during that time, and making up their trains. The arrivals are chiefly from four o'clock in the morning to about seven o'clock; then they come very quick from all the systems; they begin about five or six o'clock in the afternoon, and continue until about half-past eight o'clock, when they cease; there may be an odd train or two after 10 o'clock. They are regulated chiefly by the sales, such as the wool sales, or an extraordinary tea sale, or anything of that sort. The idea of running goods trains at night on metropolitan lines, which has been constantly spoken of, is a fallacy. They are not run during the night for this reason, the large companies want to get their goods trains on to their own lines shortly after their mail trains have gone, because they have nothing else after the mail trains. Goods trains can then leave without inconvenience to the passenger trains, therefore they are collecting their goods before marshalling their trains from these depôts during the hours I have named. All the goods which we get in any quantity during the day is short traffic, that is to say, goods trains coming up from the Docks. Those, of course, run constantly. There was another scheme before Parliament about three years ago, which I was very sorry to see did not progress. That was in consequence of the Canal Company getting frightened. The Regent's Canal Company, whose canal intersects the Blackwall line at Limehouse, proposed to utilise the banks and towing path along their canal all the way up to Pentonville, and then to make an addition to their tunnel under Pentonville Hill, coming out where the Midland Railway and the Great Northern Railway run into London, or rather where the Midland proposes to run in, by its new Bill, at St. Pancras. There is a district there, near Islington-green, which would have by these means a communication with the City just as rapidly as from Kingsland, and the outlying districts; they now reach the City by means of the North London. The Midland and the Great Northern by those means would have got into the City instead of coming over the North London. Independently of that, it was suggested that this line, of which Mr. Fowler was the engineer, was to join the Metropolitan down at King's Cross, thereby making a communication with the City and all the Docks, with the Great Western system as well as the others. The Great Western system is the only system which is shut out, because all the other lines have a communication with the Docks by us, but the Great Western at the present moment has no means of communication except by carts right through the City.

593. Lord *Redesdale.*] As far as I understand the evidence you have given, the line from which you contemplate most advantage as a means of metropolitan access would be the line from Fenchurch-street to Cannon-street?

A line from Fenchurch-street to Cannon-street, I should say, would be a very great advantage.

594. For the purpose of making an additional communication across the river, between the southern and northern districts, you advocate a line through the Thames Tunnel?

I do.

595. Do you think that that line ought to be in your own hands, or that it should be a free communication for all companies?

I think it would be better in our hands; but by working agreements there could be no harm in its being in an independent company's hands. I think a short portion of line, as that between Fenchurch-street and Cannon-street, ought to be in the hands of either one company or the other; but a long line might be formed by an independent company under proper working arrangements.

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596. Lord *Colchester.*] At what height would you propose to cross Cannon-street?

The usual height.

597. Lord *Eversley.*] The line which you suggest between Fenchurch-street and Cannon-street would give you a direct communication with the Charing Cross Station?

It would give us a direct communication with all the systems which would use the Charing Cross Station.

598. Lord *Wodehouse.*] Would the steepness of the gradient of the proposed line through the Thames Tunnel be an inconvenience in the working of the traffic?

There is no doubt that the gradient of that proposed line is very objectionable; but in another scheme which was put before Parliament about two years ago the gradients were not objectionable at all, and could be easily worked.

599. Do you know how steep the gradients will be by the line which you now suggest?

I do not think there will be a greater gradient than 1 in 80. As far as my recollection goes, in the Bill which was withdrawn, it was reported by the officers of the Board of Trade that the gradients were objectionable. I believe there was a gradient of 1 in 17, but then that was met by saying that Mr. Stephenson was constructing engines for a railway in India to go up an incline of 1 in 16.

600. In the event of an extension of your line from Fenchurch-street to Cannon-street, should you make the Cannon-street Station your principal station?

No, I should think not; it would be only a junction. We might take ground in the intermediate part if we required a larger station. There is another spot which has struck me as being available for a metropolitan station within a short distance of our line, which is now dedicated to Leadenhall Market. That is a very crazy, old, tumble-down sort of place; and at the present moment it is supposed that it is going to be pulled down and remodelled. That occupies a large space. If a metropolitan terminus were wanted, that might be brought into use within a very short distance of Fenchurch-street. For instance, the Great Eastern, instead of going to Finsbury, might run through Fenchurch-street Station, and have a station there. There might be a large space got without much sacrifice of house property, because the market could be arranged underneath.

601. Lord *Redesdale.*] Then the station would be at the back of the old India House?

Yes; if they wanted to hold a market there still, it might be continued underneath the line. Such a proposal would not interfere with house property, which has been so much complained of lately.

602. Do you think that a junction could be made at Cannon-street Station?

Yes. If we went to Cannon-street, we might branch off to Leadenhall Market.

603. The advantage of making that Cannon-street junction would be, that you would thereby gain a communication with the Charing Cross and West end of London lines?

Yes.

604. Lord *Wodehouse.*] Would that be a convenient mode of bringing the Great Eastern traffic to the west of London?

Yes. There is an immense population at the south and west end; we carry now at the Fenchurch-street Station, in and out, about nine millions every year. During the fortnight preceding the entry of his Royal Highness with his bride into the City, and the illumination night there were 400,000 passed out of Fenchurch-street Station who came up to view what was to be seen in the streets. Of course, those people wanted to find their way to the west, and if there had been a communication to take them to the west in 10 minutes, it would have been a very great convenience to them.

605. Have you at all examined into the traffic of the Metropolitan Railway?

The Metropolitan Railway labours under this disadvantage, for being in a tunnel,

tunnel, there will be a difficulty in increasing its width, therefore, I do not see how they are to provide for an extension. *A. Wightman, Esq.* 1st May 1863.

606. Do you suppose that their passenger traffic very much exceeds yours?
No; it exceeds the traffic of the Blackwall *per se*; but it does not exceed the traffic of the Blackwall, the North London, and all the other lines meeting there.

607. Does a larger passenger traffic come to your Fenchurch-street Station, than passes along the Metropolitan line?
Sixty thousand people in one day, is the largest number on the Metropolitan. On the day of the arrival of the Princess of Wales we had 70,000. Our passenger traffic in and out of the Fenchurch-street Station, at the present moment, is about 200,000 a week, that will be greatly increased when the summer arrives, and when we run the excursion trains. We have a very large Margate traffic. Persons now go down by the Tilbury line to a place called Thames Haven, where they take the boat which goes to Margate. We have 70,000 passengers a year backwards and forwards that way.

608. Do you think that if you were to get this communication which you speak of, to the west, that you would have to put down four lines?
It is possible that we might have to do so, but I think it might be brought up on the present system.

609. Lord *Redesdale.*] Do you find any difficulty, when the necessity arises for laying down new rails?
Our plate laying business is generally done at night. We cannot touch it in the day time. We have a train every two and-a-half minutes over some portion of the line. The laying down of new rails is, therefore, done at night.

610. *Chairman.*] What are your precautions against danger?
By space. We cut off every train a quarter of a mile apart, by what is called a self-acting signal. The engine going over the treadle as it passes, puts the danger signal on. We do not trust men to put the signal up, we only employ them to pull it down. That signal is therefore kept up at danger, till the arrival of every train, when the men's attention is immediately called to it, by the train not being allowed to pass. Since I have been the manager 200,000,000 of people have travelled over the line, and I have never had the misfortune to kill one passenger.

611. Lord *Redesdale.*] Has there been no fatal accident on your line?
No fatal accident on our line to passengers. We have had our own people killed by incautiously getting into the way of the trains; I have never had anybody killed on the Blackwall Line through a collision or accident of that sort.

612. Is there any other matter which you wish to state to the Committee?
I think that is all I have to bring forward upon the subject.

The Witness is directed to withdraw.

GEORGE PARKER BIDDER, Esq. is called in, and examined, as follows:

613. *Chairman.*] YOU represent the Great Eastern Company? *G. P. Bidder, Esq.*
I do.

614. We have been appointed to consider what provision can be made for the securing a comprehensive plan of Metropolitan railway communication with the greatest advantage to the public, and the least inconvenience to the local arrangements of the Metropolis; will you be good enough to give us any information you possess on the general question, and also state what you consider to be the requirements of your own railway, with regard both to get a more central terminus within the limits of the Metropolis, and also with regard to a communication with other railways?
I am hardly prepared to say that I have considered the general question. In fact, I believe you will find it exceedingly difficult to devise any general plan. The traffic of each railway is so large in itself, and requires such peculiar accommodation as to render it extremely difficult. In the year 1846, I submitted a plan to the Commission, over which the late Lord Canning presided; but the

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Metropolitan traffic, since then, has assumed such features of importance that I need hardly say the plan which occurred to me at that time is now quite out of the question. I have simply considered the question with reference to the requirements of the railway of which I happen to be a director, the Great Eastern. The position of the Great Eastern is this: we have a station at Shoreditch, which is exceedingly inconvenient in position, and which happens also to be exceedingly short of accommodation. The station is not large enough to carry on the goods traffic. The result is, that we are so limited in our passenger accommodation that we are absolutely restricted in the number of trains that we can run. We have not space enough for the number required. The circumstances under which we carry on the traffic are such that, although every precaution is used, and we have hitherto escaped accidents, I should not be surprised at an accident occurring any day, especially in the winter, during the foggy weather, because the trains are so multifarious. I may state the circumstances under which some of our trains have to be carried on; for instance, take the train to Cambridge, leaving Shoreditch, there is a Junction with the Blackwall at Stepney, and then the train goes on to a junction with the North Woolwich. Then, it has to encounter a Junction with the Colchester line at Stratford, and another Junction with the Loughton line. All these require extraordinary precautions; and, in spite of all precautions, a liability to accident, which it is desirable to avoid. In addition, the Cambridge traffic between Tottenham and London has to make a circuit of three miles, the distance being four. That is a difficulty as regards the suburban traffic, which ought to be removed if it possibly can. With the view last year of relieving the present line through Stratford, we proposed a junction with the North London at Kingsland, and then a line to Liverpool-street, so that our traffic from Cambridge should be able to pass into Liverpool-street and have the advantage of that terminus. The North Western and the North London opposed us; they said their own traffic was so large that they could not receive our traffic. They opposed the line in the Commons, and adduced that evidence, and our preamble was thrown out. The question this year arose as to what we should do, because as they refused to receive us the only alternative was to come in on our own responsibility. We thought the best way, with the least destruction of property, was by joining the North London and running parallel with them, thus avoiding an additional severance of property. We should take much more additional property if we had brought two lines in independently. At Shoreditch the station is separated from the North London Line by the houses in front of Shoreditch. We thought it would be greatly to our advantage that those lines should be united between Shoreditch and Finsbury Circus, Finsbury Circus being a large open space surrounded by only one row or circus of houses, and we attempted to adopt that as our terminus. Unfortunately we raised an opposition which has been fatal to the Bill, inasmuch as the second reading has been stopped in your Lordships' House. I can only say that it was no light matter contemplating an outlay of 1,200,000 *l.*, which at the lowest rate of interest that we could raise the money at would require a return of 80,000 *l.* a-year; besides the difficulty of satisfying our shareholders that that outlay was advantageous to them. Unless we felt that we were giving a large amount of convenience to the public, we should not be prepared to incur that expenditure. Although we were well prepared for opposition from a certain party with regard to Finsbury Circus, we felt that upon the whole, if we could have been heard, we should have satisfied the Committee that the public convenience would have been of more importance than the disadvantages we should have occasioned by the occupation of Finsbury Circus. However, that is at an end, and we are at present without any scheme, not having made up our minds as to what place we should take. I assume, after the intimation from your Lordships' House, that it would hardly be respectful to come again for the Finsbury Circus scheme.

615. Lord *Redesdale.*] Have you ever contemplated the possibility of a junction with the Great Northern by means of your Cambridge Line?

Yes, we have. What we are contemplating now, but which will not answer our purpose so efficiently as the Finsbury Circus project, is that we should run into the Great Northern or the proposed Midland Station; but it is a question whether they will take us.

616. Would any traffic which you would bring on to the Great Northern from your Cambridge Line, be greater than that which they are likely to lose by

by a portion of the Midland traffic being taken from their Line, in the event of the Midland Line, now before Parliament, being granted?

If anything could recoup us it would be City traffic. Our traffic is not like the Brighton. A very small proportion comes from the West End; the principal traffic is from the City. In the year 1866 the Cambridge traffic will be competed for with us by the Great Northern. The Royston and Cambridge Railway is at present worked under arrangements with our Company. The result has been that we do not work this efficiently; there is no doubt about that. We bring the traffic down the existing line; but in 1866 that agreement will be at an end, and the Great Northern Company will work that against us. We shall then be placed, so far as our Cambridge traffic is concerned, which is more West End traffic, in competition with the Great Northern.

617. Lord *Stanley* of Alderley.] Have you ever contemplated a junction between your line and the Midland Railway?

There was a railway projected in 1861 with that view, but which was not carried out on account of the expense.

618. Lord *Wodehouse.*] Would the proposed Metropolitan, Tottenham, and Hampstead Railway, which is now abandoned, have brought your traffic to a convenient spot in the neighbourhood of Euston-square?

That would have been convenient for us.

619. That would have enabled you to compete with the Great Northern in 1866?

Yes, for the West End traffic.

620. Lord *Redesdale.*] How much of your passenger traffic comes now on the Blackwall Line to Fenchurch-street?

I cannot tell the proportion. I think we pay them about 5,000 *l.* a year in tolls.

621. Lord *Wodehouse.*] It has been stated to this Committee, that the Northern Companies would probably be glad to promote a scheme for a branch railway through the metropolis, to join the southern systems at Charing Cross; if such a line as that were made, would it not be greatly to the advantage of your Cambridge traffic if it were able to pass down to Charing Cross?

I do not think it is clear that we should be able to concur in working such a station at Charing Cross. I think that is quite out of the question. There is great difficulty in any two companies working one station, because one company must have the charge of the station, and if the other company interferes with their arrangements a great difficulty arises. There is the greatest possible objection to one company being in any station over which they have not absolute control. I think any station into which we can go we must have the absolute control of.

622. Do you think it would be possible, with regard to all those lines which are north of Charing Cross, to have a connecting line, which would be what has been called an omnibus line as far as the passengers are concerned, which would be a station for either of the three companies to make up their trains in, and at the same time afford a direct transit through for goods.

As regards goods, I do not think that two companies could work together in that station. With regard to passenger traffic, I have had my own views as to accommodating London, which are quite distinct from any plan which I have hitherto seen.

623. *Chairman.*] Will you state what those views are?

I have no objection at all. It is a plan which I have considered for many years. If we could have got to Finsbury Circus, I considered we should have done one of two things. In the first place, we should either have had an underground communication with the Metropolitan line, or they would have come to us. The difference of level would have been overcome by mechanical arrangements. I do not think, practically, we should work our carriages through, if we had a direct junction. It is a very difficult thing to arrange trains where you have to compound them of carriages coming from a variety of sources, and passengers going to a variety of places; therefore, one part of the plan which I conceived was to have a mechanical communication with the Metropolitan. I have always felt that a great relief to the streets would be effected by having

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a railway on a viaduct. The Metropolitan Railway has been a great commercial success, undoubtedly; but, in my view, in spite of its being underground, if the Metropolitan had been on a viaduct, as far as my opinion goes, it would have been worth a million more money than it is. The traffic which commenced at 2,500 *l.* a week, is now only 2,000 *l.* It has not increased in the ordinary way in which railway traffic does. I believe the reason of that is, that now that the weather has got finer, passengers are more attracted to the omnibuses which are above-ground, than to the railway which is underground.

624. Is it not, in part, owing to the great reduction of fares by the omnibuses?

That may be partly the reason.

625. Lord *Taunton*.] Might not curiosity on the part of the public, at the first opening of the line, have had something to do with the large receipts?

Not to the extent of 500 *l.* a week. According to the plan which I have considered, the viaduct should be worked on the old atmospheric principle of Mr. Samuda. I should have had on that viaduct two lines, with a continuous platform from end to end. I should have had it roofed over, and had access given to it by a turnstile, at 1 *d.* fares, people being at liberty to get in when they liked and get out when they liked; the carriages to stop at every quarter of a mile. I would have taken that to Leicester-square. It would have worked very quietly, without any noise or nuisance to anybody. The atmospheric system, admitting of variations of gradients and curves, we could have passed through the streets without the least obstruction or interference with large public buildings or public offices.

626. Lord *Stanley* of Alderley.] Is it your opinion that the atmospheric system might be worked on a viaduct?

Yes.

627. *Chairman*.] Is the atmospheric railway still at work at Kingstown in Ireland?

No, it has long since ceased.

628. Lord *Redesdale*.] Is not the atmospheric system liable to be materially affected by the weather?

Yes. It would not have been affected according to my plan, because I should have had it enclosed.

629. Lord *Stanley* of Alderley.] By that means you think you would secure an even temperature?

Sufficiently even.

630. Lord *Redesdale*.] Have you ever contemplated an extension of your line from Shoreditch to the bottom of Holborn?

No, I have not. It would have cost us 1,200,000 *l.* to have got to Finsbury-circus.

631. How much do you think this line, which you are referring to from Finsbury-circus to Leicester-square, would have cost?

I have no doubt it would have cost a million and a half.

632. You are ready to incur one, but not the other?

I think our company would have incurred it. I think, looking to the experience of the Metropolitan, that a million and a half of money applied in that way would be a very good commercial investment.

633. Lord *Stanley* of Alderley.] Is there not a junction already by means of the North-Western and North London?

Yes.

634. Why could you not make use of that?

We have to come to Stratford from Cambridge. We have then to come upon a line formed for the purposes of goods traffic, and you have to work in with their trains every quarter of an hour; and it is a very roundabout line; so that neither in respect of time nor money should we offer any convenience to the public.

635. Lord

635. Lord *Wodehouse.*] Is it not the case that there is a great want of accommodation for goods traffic on the Great Eastern Railway?

We should like to give the whole of our passenger station for the goods traffic.

636. One of your great objects in proposing this new passenger station would be to accommodate your goods?

Yes. The Finsbury Circus scheme would have saved us a large sum of money in carrying on our traffic. We should have had to incur an additional expenditure to meet additional traffic, especially in coals.

637. Lord *Redesdale.*] Have you ever contemplated a line from the Fenchurch-street Station of the Blackwall Railway to the Cannon-street Station?

No, I never have. I should be very much afraid of the cost. The expense of going through the City is frightful.

638. Effecting a junction from the Fenchurch-street Station with Cannon-street would give a complete route to the West End for those lines, would it not?

I do not think they can take us. They will have as much as they can do to accommodate the South Eastern, the London, Chatham, and Dover, and the London and Brighton. Making a line from Fenchurch-street to Cannon-street is quite out of the question. I suppose every acre of ground in Cannon-street would cost half a million of money, at the very least.

639. Lord *Stanley* of Alderley.] Do you think the system of constructing railways in the metropolis on viaducts is better than a subterranean mode?

That depends upon circumstances; in some respects it is cheaper, because you never will get the same exemptions from liability which the Metropolitan Railway was made under. They got their Act without the parties on the line really knowing the circumstances to which they would have to submit; they have escaped a great deal of litigation, from which other companies would not escape. The first sunken railway was projected by Mr. Stephenson, when I was acting under him from London to Blackwall. Under-ground railways are much more expensive, because you must take a greater width of line for a sunken railway than for a viaduct.

640. Would a railway upon a viaduct offer more facilities for constructing a general system of metropolitan railways in respect of gradients and accessibility?

I think it would; I do not see how you are to connect them in any other way. All the railways which are brought into London, with the exception of the Metropolitan, are above ground.

641. If you were to use the atmospheric system, at what intervals would you be obliged to have the stationary engines?

I should only use one stationary engine. The plan I refer to would not do for a through line at all.

642. For about what distance would you propose to make it?

Two miles, or two miles and a half, and with a much larger pipe than that used originally, and the whole thing different in its proportions.

643. Have there been any improvements invented since the atmospheric railway was in operation as to the means by which they lubricate the tube, and other matters?

No, that was all good enough; they made the pipe too small on purpose to save cost on a long line of railway; but with regard to a short metropolitan line, there would be no such inducement, and they could make it much larger, requiring much less vacuum.

644. Would not the exhaustion be more likely to be imperfect in a large tube than in a small one?

No, much more perfect, and much less power would be required. Their pipe was so small that they had to get a vacuum of about 28 inches out of 30, which is the atmospheric pressure. To arrive at that, a much more perfect valve is required, and a much greater power of abstracting the air than would be required if you could work with 12 inches of vacuum; and the latent heat evolved from the atmosphere was considerable.

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645. Lord *Redesdale.*] You see no difficulty in the North London City branch taking your traffic?

I think they could.

646. There would be very little difficulty in laying down another line of rails, and, if necessary, will it not be perfectly possible to enlarge their station?

I think I have already stated that the land they had was more than they required for their own purposes.

647. Could not more land be taken if necessary, so that you might avail yourselves of that accommodation?

We have no control over it. If our Bill could be revived, so far as the junction with the Kingsland is concerned, it would relieve the Cambridge traffic very much.

648. Is there not room for you to enlarge your station on the land adjoining your present station without taking any of the frontage of Bishopsgate-street?

There is no doubt that there is; it is only a question of cost.

649. Lord *Stanley* of Alderley.] Is not all the property in the Shoreditch district of rather an inferior character?

No, certainly not.

650. Lord *Colchester.*] There is a great deal of difference, is there not, in the value of property in that part of London?

Every inch you come into the City of London—I do not care with what building it is covered—can only be dealt with at a frightful cost.

651. Are there not some parts of it in which the houses are of a much better description than other parts?

Yes.

652. Lord *Wodehouse.*] Was not the cheapest line for bringing the Cambridge traffic into London the Metropolitan, Tottenham, and Hampstead?

We agreed to work that, but that would not give us the City traffic.

653. That would only answer for one portion of your traffic?

Yes.

654. Lord *Stanley* of Alderley.] Making use of the Tottenham Line would have been chiefly adapted for passengers, and not much adapted for goods?

No; we should have taken the goods still to Shoreditch.

655. Lord *Wodehouse.*] That line would only have been of use to the West End passenger traffic?

Yes. It will not answer our purpose to spend a large sum of money unless we can give effectual relief to our City traffic, which is our principal traffic. What we want is to have a more convenient terminus in the City for our large suburban traffic, which is growing every day, and which we are trying to cultivate by offering lower rates, and lower season tickets.

656. Lord *Stanley* of Alderley.] You are at a considerable elevation near Shoreditch?

Twenty feet, or thereabouts.

657. Would not the probable inconveniences to which you allude be remedied by having a system of viaducts, instead of an underground railway?

The only doubt as to an underground railway, in my mind, is, whether the public would largely travel by it. The Metropolitan have overcome the prejudices of the public with regard to passing underneath the ground. That is a commercial success; but if it had been a railway above ground, as I have said, I would give a million of money more for it.

Ordered that the Committee be adjourned to Monday next, Two o'clock.

Die Lunæ, 4° *Maii* 1863.

LORDS PRESENT:

Lord President.	Lord Redesdale.
Earl Cowper.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Earl of Lonsdale.	Lord Stanley of Alderley.
Viscount Eversley.	Lord Belper.
Lord Wodehouse.	Lord Lyveden.

THE LORD PRESIDENT in the Chair.

Evidence on Metropolitan Railway Communication.

C. W. Eborall, Esq.

4th May 1863.

CORNELIUS WILLES EBORALL, Esquire, is called in, and examined as follows:

658. *Chairman.*] YOU are the manager of the South Eastern Railway Company?

I am.

659. You are aware that this Committee is appointed, among other things, to consider whether it would be possible to devise any comprehensive scheme of railways which would be the greatest advantage to the public, and the least inconvenience to the local arrangements of the Metropolis; can you give us any information upon that general subject, and also with regard to any requirements that you consider the Railway Company you represent demand, either with regard to having a terminus more central than that which now exists, or having a communication with other railways?

It is a very large question, and it is a matter which requires a good deal of consideration. I may state that my first suggestion is this:—With reference to London traffic proper, the more that traffic is separated the better. A central station for London traffic would be, in my opinion, a perfect Babel. It would be impossible to carry on the traffic in such a station; so crowded as it would be with all sorts of vehicles, it would turn out to be a very great nuisance. After separating the London traffic proper, as before suggested, there is no doubt that proper communication should be made between the northern and the southern lines. That is the question which it is so difficult to give any opinion upon. You are aware that the South Eastern Company have, through the Charing Cross Railway, extended their system to Charing Cross and to Cannon-street. There is no direct communication between the northern lines and the Charing Cross Railway, except the communication by the Kensington line joining with the South Western and then through Waterloo station. That would connect the North Western with the South Eastern system. In my opinion those connections with the main lines out of London are very difficult to manage; for instance, traffic coming from Liverpool and Manchester, and Birmingham, is all turned out at the Willesden Junction and there separated. It is a very difficult thing to arrange.

660. Are you now speaking with regard to the traffic of passengers or goods?

I am speaking more particularly with reference to passengers; but the same remark applies to goods to a great extent. It is a difficult thing, at the points where branch lines leave the main lines entering the Metropolis, so to arrange the traffic that it can be carried on with any degree of regularity and convenience.

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Consequently, in my opinion, most of the traffic, although going forward to the south, would, under such circumstances, find its way to the terminus in the Metropolis, and there drive through the City to the terminus of railways going south, or *vice versâ*. If any communications could be made through the Metropolis direct from one terminal station to another terminal station starting south, in my opinion, those are proper communications to be made, and would tend more to relieve the streets of London than any other sort of communication. Some suggestions have been thrown out as to different schemes. There is one which I will mention joining the North Western, the Midland, and the Great Northern, with the Charing Cross Railway. If such a scheme could be carried out, no doubt it would be a great convenience and a great advantage to the Railway Companies and the public. Still the cost would be enormous, and some difficulty would arise, I am afraid, in an engineering point of view: the line would have to be taken under the Strand. I do not know how they could possibly get the line over, so as to communicate with the Charing Cross Station.

661. Then would you propose to arrange a line so as to give a communication between those three railways north of the river and your own line, and others south of the river, without having a joint passenger station common to all the lines; supposing you had a station at Charing Cross which was available to all, the lines north or south would have the option of coming there, would they not?

That very likely would be the case to some extent, but I think taking, for instance, the North Western, that it is not at all unlikely if such a communication were made that it would form a station somewhere in the neighbourhood of Leicester-square, to get to the north, providing a communication between Leicester-square and the Charing Cross Railway. I do not think it is desirable to centralise the traffic.

662. It has been suggested that if the companies confine themselves to making up their trains at Euston-square or King's Cross, that of itself would be sufficient to induce people to drive to those places instead of driving to the central station at Charing Cross; is that your opinion?

I think that wherever the North Western, or any large railway has its terminus, that passengers would prefer going to that place where the train is made up as a whole, than go to some other station, and then have to be taken on by some new arrangement at the point where the train is made up and put into proper order.

663. Lord *Redesdale*.] Do you not also think, that supposing the North Western were to have a station at Leicester-square or the Regent's Circus, that the Great Northern and the Midland would also require to have central stations of a similar character for themselves?

I think it is not at all unlikely that that would be so. If one of the large companies, competing with others, gets into the heart of London, the others will very probably like to get there likewise.

664. Would not such an arrangement be in effect establishing a central station for all those railways?

Yes. There is no doubt the tendency would be to that effect unless each company had its separate station.

665. Is there room for three separate stations upon a short line of that character, so that each one of those great railways could have its own station without interfering with your station at Charing Cross?

I do not think there is.

666. Do you think that that line could be worked in the manner in which you desire, by putting a clause into the Bill by which it would be absolutely confined to being a mere omnibus railway, as it were, for the conveyance of passengers and goods to and from the different stations down to your station; that is, to leave the terminal stations as they now are, and to have an omnibus communication with the Metropolitan Railway by means of a communication between the different termini?

I think the end of that would be that this inter-communication would be nothing but a local line, and the accommodation of the through traffic would not be very much. My opinion about the Metropolitan Railway is, that at the present time they

they cannot accommodate that through traffic on it; it is so crowded with local traffic that sending through traffic over it is quite out of the question. It is possible that some arrangements will be made to send the Great Northern and Great Western traffic over it. The London and North Western might obtain an access to the south, and so might the London, Chatham and Dover. The North Western might have an access to the south thorough the South Eastern, but even that would be difficult to arrange except by a subway.

667. Then you think it would be very difficult to devise any connecting line between the three northern railways, and the Charing Cross Railway?

I do not think it would be so. I have not looked at it particularly in an engineering point of view; but I think difficulty would arise in making any communication through London in that direction; but my opinion is that that is the best communication which could be made. There is another matter that I will glance at, which is the communication between Cannon-street and the Liverpool Road Station of the North Western. That would bring the North London, with the London and North Western, and the Midland, and the Great Northern, into communication with the South Eastern Company at that point. That is a feasible scheme, but it would be attended with great expense, and I believe it would have to be a railway on a viaduct, and not a subway. The communication with Charing Cross would be a subway, and not a railway above ground.

668. Lord *Somerhill.*] Do you think having a subway is a great advantage?

I think in London there is an advantage in having a subway.

669. Besides economy?

I do not think there is very much advantage with regard to economy. There is the advantage of not having so many bridges and so many obstructions in the streets of that kind.

670. Lord *Redesdale.*] It has been stated in evidence with regard to goods traffic that the communication with the south of London is both efficacious and convenient; do you concur in that opinion?

For goods traffic it is more convenient; but still the traffic between the northern railways and the southern railways is not very great. There is no doubt, with reference to coals and minerals, that it is a great convenience to send that description of traffic through in bulk. I will just give an illustration in reference to our own line; taking the Great Northern Station, the Midland Station, the Great Eastern Station, the North Western Station, and the South Western Station, the whole of the vehicles passing in the streets to and fro from all those stations in communication with our railway in the month of March in this year, which is an average month, numbered 1,345, that is above 45 per diem and the greater part of them would be in communication with the North Western and the Great Western.

671. But that does not include the coal traffic?

No; I think that lines outside London are more convenient for forwarding minerals and goods than any line right through the heart of London.

672. Then, accordingly, the streets would be saved very little by the communication which is proposed?

Taking my figures, very little indeed. My own opinion is, that with regard to the goods traffic for the southern lines, that that would still be carted, from the difficulty there would be in separating it. For instance, a goods train comes up to Camden Town, which is the North Western Station, containing a few consignments for the South Eastern Station in different waggons; all these consignments must be picked out and separated and unloaded, and then put into a road van or vans, and sent to our goods station at the Bricklayers' Arms, and there reassorted and put into separate waggons for the different stations on the South Eastern Railway; so that my opinion is, that a very large proportion of this goods traffic, whether there is railway communication through London or not, would still be carted to the different stations. That would not apply to coal and minerals; that traffic ought to go through without being disturbed.

673. *Chairman.*] Is not your goods traffic very much increasing with reference to goods coming from Manchester for France?

No; the bulk of the continental goods traffic does not go by our route. We only take the finer sort of goods, such as silks and ribbons from France, and the

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better class of goods from England. Our route, in consequence of the different changes, such as the change at Folkestone, and the transhipment at Boulogne, does not enable us to carry so cheaply as they do from the north of England; for instance, from Hull and Grimsby to Dunkirk or Dieppe, and the other routes by water direct. Our traffic has increased, but not so much as would be imagined. The other routes have had the benefit of the new traffic which has arisen from the commercial treaty.

674. Does that apply to your particular railway, or to the railways south of London?

Perhaps the Newhaven and Dieppe route carry much cheaper than we do. I do not think it has increased to any great extent. The traffic with France has been chiefly carried direct by water from the manufacturing districts. It is sent *viâ* Hull and Grimsby, where they find a very cheap conveyance, less the cost of railway transit, by way of Dunkirk into France.

675. Do you mean from Derbyshire?

From Derbyshire and Nottinghamshire. It is a very convenient communication to Hull and Grimsby. The traffic from Bradford, Leeds, and all those places which are very convenient with regard to communication with the ports of Hull and Grimsby, passes through these ports.

676. Lord *Redesdale.*] Do I rightly gather from your evidence, that your opinion is, that the making of a new wide street towards the King's Cross end of the New Road, down to Charing Cross, would be more advantageous than a railway?

I do not know that that would be so. My opinion is that there is more to be done in the widening and improving the streets of London than can possibly be done by railway communication. I think the streets are the difficulty which we have to contend with, and not the want of railway communication. My own opinion is, that if half a dozen railway communications are made through London, it will not do away with the crowding and blocking up of the streets.

677. *Chairman.*] Has it not been thought to be of great advantage that the communication between the northern and southern railways should be in a central position?

There is this feature with reference to the northern and southern railways, with regard to the continental traffic, that there are very few passengers coming up from the north who go on immediately. They generally stay a night in London. All our continental trains, except the mail train at night, leave in the morning.

678. Earl *Grey.*] The passengers, at all events, require a few hours in London?

They require some time.

679. *Chairman.*] Do I rightly understand that your traffic is chiefly light goods and passengers?

The more expensive kind of goods. We do not carry the heavy class of goods, such as flour or grain; we carry a little wool at times.

680. Lord *Lyveden.*] Do you carry iron?

Very little, indeed. For instance, most of the Sheffield goods go down by Hull, and thence *viâ* Dunkirk, at a very low rate.

681. *Chairman.*] Your traffic is now very satisfactory, is it not?

It is very satisfactory. The continental traffic is very good indeed. There is no doubt the commercial treaty has increased both the passenger and goods traffic considerably. Our passenger traffic is very good indeed, although we have a competing line.

682. Lord *Stanley* of Alderley.] Is it not the fact that the greater number of passengers prefer going to the Victoria Station, which takes them to the heart of London, than stopping at any of the stations upon the southern side of the river?

No doubt many passengers find their way to the Victoria Station; that is the reason we have expended so much money in getting to Charing Cross.

683. Then you think, by getting to Charing Cross, that that would give nearly all the accommodation which passengers would require?

It would give a very largely increased accommodation; but still I should like to see a better communication with the North Western Railway by some means.

It

It is just possible that we may be able to arrange with the North Western, to obtain an access to their line by way of the Kensington Junction route, which is now open. If so, it might be used for a large traffic; but I do not think it could be used for the continental traffic.

684. Then, although it is your opinion that that railway would not be very largely used for the conveyance of the goods which you take to and from France, yet that it would be very generally used for the conveyance of passengers?

I do not think it will be used for long traffic. The larger proportion of the continental passengers would stop in London the night, and not go off till the following morning.

685. You think they would prefer taking their luggage to the hotel, and stop two or three hours in London before pursuing their journey to the continent?

If there were a large hotel at Charing Cross, and the North Western train ran down to Charing Cross, it would be a most convenient thing. I think that the erection of large hotels in connexion with the railway stations is found to be very useful indeed to the public.

686. Lord *Redesdale.*] Do you think that the Midland and the Great Northern would ask to be allowed to share in the convenience afforded to the North Western, by being allowed to come to that station?

Very likely.

687. If that is done, your Charing Cross Station becomes a central terminus, does it not?

Yes; our Charing Cross Station, as it is at present constructed, of course would not do for any such purpose.

688. Practically, all these suggestions which you have been making come round to what you have stated would be disadvantageous, namely, the formation of a central terminus in any quarter of London?

If all the railways were admitted to it, it most assuredly would become a central station.

689. Lord *Stanley* of Alderley.] Would it not be practicable to have several hotels in connexion with the different lines of railway, without erecting one single hotel at Charing Cross, which would produce a great conflux of passengers at one spot, and so cause great inconvenience?

Yes; I have no doubt it will be found absolutely necessary at all the great metropolitan stations to have large hotels.

690. Lord *Redesdale*] Suppose that each railway had a great hotel at the Charing Cross Station, would not the effect of each of them having those hotels there, be to make the Charing Cross Station a central terminus?

No doubt,

691. Do you not believe that a central terminus for the three northern railways and the South Eastern Railway would be attended with very great inconvenience at a place which is already crowded with metropolitan traffic?

If all the traffic of those four companies had to be dealt with at that point, most certainly.

692. If the starting point of all the companies was from that spot, it must be all dealt with there, must it not?

Yes, if they made their starting point there, I apprehend the North Western would still make their starting point the Euston-square Station.

693. Lord *Belper.*] Is it your intention that the Charing Cross Station shall be a starting point for your line?

We shall run trains from Charing Cross, quite independent of the trains from Cannon-street; in fact, there will be a City traffic and a West End traffic.

694. So that persons will be able to go through from Charing Cross, without having to change at London Bridge on their way to Dover, or elsewhere?

Yes; with reference to the tidal trains, they will start from Charing Cross.

695. Earl *Grey.*] Will not the Cannon-street Station communicate with it?

Not with the tidal trains, that is our present intention; there is no difficulty whatever in forming a communication with the tidal trains from Cannon-street.

 696. Lord

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696. Lord *Redesdale.*] Have you considered the possibility of a junction of the Fenchurch-street Station with the Cannon-street Station?

It has been looked at, but we have never gone into the matter carefully, so as to satisfy ourselves that it would be desirable. Our stations at Charing Cross and at Cannon-street are only suitable for a limited amount of traffic. We have only looked at these stations as suitable for the South Eastern traffic, and possibly for some portion of the South Western, if they should like to use them. The South Western Company do not seem anxious to take advantage of the communication, consequently our stations are being constructed not as large stations to accommodate the traffic of two or three companies, but to accommodate our own particular traffic only, so that great care will have to be taken in devising any scheme which will choke up our traffic at those termini.

697. But you expect to do a great deal of business between Charing Cross and Cannon-street, as far as regards local traffic, do you not?

Yes; a train will oscillate upon a line constructed solely for the purpose every five minutes; the train will run from Cannon-street to Charing Cross direct, and then there will be another train ready to start to come to Charing Cross, so that there will be a train constantly running.

698. Earl *Grey.*] Starting every 10 minutes from each end?

Yes.

699. Lord *Redesdale.*] Supposing the Blackwall Company were to extend their line so as to make a junction with the Fenchurch-street Station, having a separate station to themselves, do you not think that a great convenience would be afforded to the west end of the town, by passengers passing along your line from Charing Cross to Cannon-street, without making your Cannon-street station a station for the eastern line?

It is to be a local station alongside our Cannon-street Station, to enable parties coming from Cambridge to get on to the west end of London by joining our Cannon-street and Charing Cross Station at that point.

700. Getting upon the line in the City would enable them to get to the West End?

Yes, no doubt; Fenchurch-street is not a long way from Cannon-street.

701. There would still be the street passengers?

Yes; no doubt all those communications would be more or less advantageous.

702. Lord *Lyveden.*] They are very expensive, are they not?

Yes; our Charing Cross Railway, with its branch to Cannon-street, I have no doubt, will cost, with the stations and other buildings, 2,400,000 *l.*

703. What is the length of it?

Two miles and a half.

704. Lord *Belper.*] Generally speaking, that railway passed under favourable circumstances, as far as regards property?

Yes. We only intended originally to have two lines of railway, but the railway will now have three lines, with four lines over one bridge, and five lines over the other. We have increased it to such an extent that we have added a very large amount to the capital.

705. Lord *Colchester.*] You include the expense of two bridges across the Thames?

Yes.

706. Lord *Somerhill.*] What fares do you anticipate will give you a fair return for your capital?

The fares we propose to charge are 6 *d.*, 4 *d.*, and 3 *d.*, first, second, and third class; and I think that they will yield us a very large revenue indeed.

707. Do you think you can maintain the fares so high as that, when you take into account the competition of the omnibuses?

Yes.

708. Lord *Stanley* of Alderley.] Do you think you can compete with the boats?

Yes; there are many days when the boats do not run at all, and they are not always

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always convenient. They are certainly very inconvenient on wet days. Passengers have to change, going down to the City, once, and sometimes more than once; besides that, the boats do not run at night.

709. But they set down and take up at convenient places alongside the river, whereas your line runs entirely on the southern side?
I think we shall carry the through City traffic, and they will still carry the intermediate traffic.

710. *Chairman.*] Has the result of the Metropolitan at all affected your calculation one way or the other?
No; we have always looked upon the Charing Cross line as likely to be very productive indeed, and if anything, the Metropolitan Railway has confirmed our views in this respect. I have always had a very high opinion of the communication with the Charing Cross, and also with the Cannon-street branch. I am still more satisfied since the Metropolitan Railway has been opened. I believe there will be still a large traffic at London Bridge. The Brighton Company and my Company carry about 13,000,000 of passengers every year, in and out of London. There is a large portion of those passengers seeking to travel in the direction of the Charing Cross Railway.

711. You anticipate a great revenue to yourselves, besides the enormous advantages which you give the public?
Yes.

712. Lord *Stanley* of Alderley.] What level do you come in at Charing Cross in relation to the Strand?
Very little above the level.

713. So that if there is to be an extension of the railway, it must be effected by means of a bridge, and not by a subterranean junction?
The level is very little above the Strand. I think that any communication with our railway there on the high level would have to run on to the river, and it would have to be a communication that would enable a train to be backed to the station. I do not think it would run on direct through or by the side of the station. You would have to run on in the direction of the City.

714. You consider a subterranean level is, on the whole, a more convenient railway?
On the whole I think it is, that is, for the public. I think for the company themselves that a railway on a viaduct is better, there is less risk, and the trains can be worked more conveniently; I think, looking at it in a public point of view, a subway is better than a railway on a viaduct through the Metropolis.

715. Can you form any opinion as to what would be the comparative expense of the two?
No; I have not gone into that question at all.

The Witness is directed to withdraw.

John Parson, Esquire, is called in, and examined as follows:

J. Parson, Esq.

716. *Chairman.*] YOU are the deputy chairman of the Metropolitan Railway Company?
Yes.

717. How long has that railway been opened?
Since the 10th of January last.

718. What has been the chief character of the traffic?
The traffic is at present entirely the traffic of the streets in London; no other traffic is worked at present over the Metropolitan line than that which commences at the Bishop's Road station, near the Great Western terminus, and goes as far as Victoria-street Station, at Holborn Hill.

719. It has been chiefly used, has it not, by omnibus traffic, rather than as a means of inter-communication with the great railways, for passengers and goods?
Entirely so.

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720. Can you state the reason of its being confined to that branch of traffic?
When the Great Western Company made the proposition to work the Metropolitan, they did not provide themselves with the adequate quantity of plant to do the two things, that is, to work the traffic of the line itself, and also to work the traffic of their own system. The number of engines ordered was only 12. In order to run the trains at an interval of a quarter of an hour, eight are under steam daily, and on a slight accident taking place, a ninth is obliged to be put into steam so as to leave in reserve only three engines a day, which are only sufficient to run with safety the traffic we are now conducting. The consequence is, that the Great Western Company have been obliged to postpone, until an additional number of engines have been found, any attempt to inter-communicate their traffic with the City.

721. The evidence given before this Committee on the part of the Great Western was, that there were arrangements on your part which made it difficult to carry on the through traffic. Do you consider that an augmentation of your plant would enable you to supply both the wants of the omnibus traffic and the through communication with the Great Western?
I do.

722. You consider it is a mere question of plant?
I do.

723. And that with two lines, you will be able to perform both services?
Yes, to a great extent.

724. Lord *Stanley* of Alderley.] When you speak of an increase of the number of engines, you mean for the purpose of carrying on the goods traffic?
I do.

725. To increase the number of trains, you would be obliged to have a less interval than 15 minutes between each?
Certainly.

726. Do you think that could be done without danger?
I think we could run, with good arrangements, trains at an interval of five minutes; we have power to run trains at an interval of five minutes, so that we clearly have the power of running three times the number of trains which we are now running. As I stated before, we are running trains now at an interval of a quarter of an hour; the power of running at a less interval than a quarter of an hour would depend entirely on good arrangements, such as a good system of signals. We have several stations on our line; we work our line by the block and telegraph system. In my opinion, we ought never to have two trains between two stations at one time, but as fast as one train has left one station, the fact should be transmitted by telegraph to the preceding station; if that is carried out properly, there can be no danger, that I know of, in allowing the second train to follow as fast as the company are advised that the interval between one station and another is free.

727. Has not considerable inconvenience been occasioned by the hanging of the smoke in tunnels?
No inconvenience is occasioned when they run engines which will consume their own smoke; but now, in consequence of the paucity of power of the Great Western, they are obliged occasionally to run an ordinary locomotive engine, and the consequence is that sometimes very great inconvenience is occasioned, which lasts for two or three hours afterwards, during which time the tunnel is full of smoke.

728. Do you think that with engines which do consume their own smoke, trains can be run at very short intervals indeed, without any danger to the public?
Certainly; some of the engines which have been supplied to us have not been finished with care, so that there is an escape of carbonic acid gas. It is not smoke or steam, but it is carbonic acid gas, which is at times very offensive. One or two of the engines when they were first delivered were very imperfect, and emitted a very considerable quantity of this gas. Those engines were taken to Swindon, and repaired, and are now in proper order; at the same time, the directors of the Metropolitan Company are contemplating the possibility of erecting at two of their stations a steam-engine with a fan, by the use of which they may carry away any carbonic acid gas which may from time to time be created; it is only at certain stations

stations that we are subject to the inconvenience of this carbonic acid gas; the principal stations where it occurs are Gower-street Station, Baker-street Station, and the Portland-road Station.

729. What is the reason of the engines emitting the carbonic acid gas at those stations?

The tunnel commences at King's Cross and terminates at the Edgware-road Station, and according to the temperature of the external air the carbonic acid gas is driven from one end of the tunnel to the other.

730. Lord *Redesdale.*] Do you think there is any possibility of getting additional means for the more perfect ventilation of your line?

Yes; if it is necessary we can reconstruct those stations. At present the stations are merely enlarged arches, with very little ventilating power at the sides. The apertures at the sides were intended more for light than for ventilation.

731. Lord *Stanley* of Alderley.] Do you think you could adopt the atmospheric principle for the use of your line?

Yes, if we had no junction with any other line than the Great Western. I am not an engineer, and therefore the evidence which I have given on this subject must be given with some degree of reserve. If we are to have a communication with the Great Northern Railway at King's Cross, we must have at that point a severance in the pipes, which would be inconvenient if we were to work with the atmospheric power. We have taken very large powers from Parliament from time to time, and all those powers will be required; for instance, we have the power of laying four lines of rails from King's Cross to Farringdon-street, and we have the power of going from thence to Smithfield, which will enable us to accommodate a very large amount of traffic.

732. Are you extending your line already into Smithfield?

We have purchased the property, but we have not commenced our works.

733. Lord *Wodehouse.*] The Great Western contemplate sending their large goods traffic, when your line is finished, to Smithfield; do you think your line will suffice to carry that goods traffic as well as your own passenger traffic?

Yes; I think that traffic ought to work between twelve o'clock at night and six o'clock in the morning, so as not in any way to interfere with the passenger traffic at all. Arrangements have been made by the Metropolitan and the Great Western Companies with the Corporation, which will give them possession of eight acres of ground under the market. The intention of the Great Western is not to carry on any very great traffic over the Metropolitan in the shape of minerals.

734. Lord *Stanley* of Alderley.] Do you think arrangements might be made with the Great Northern and the Great Eastern, whereby they might be put into communication with the Metropolitan Railway?

Yes, I am satisfied that arrangements can be made; indeed we are contemplating a junction with the Great Eastern.

735. In what manner?

By an extension from the Finsbury Station to the Bishopsgate-street Station of the Great Eastern.

736. Lord *Somerhill.*] Do you run now to Finsbury?

We have not yet commenced our works between Victoria-street and Finsbury. We have raised the capital, and we are purchasing the land; but we are rather hindered in carrying out our works by the Corporation arrangements with regard to the markets.

737. Lord *Stanley* of Alderley.] How do you propose to communicate with the Great Eastern; how do you propose to obviate the objection of the difference in level between their line and yours?

A plan was deposited the year before last by parties connected with us and the Great Eastern Company, for the formation of such a junction line with a station in Finsbury Circus. That station we need not make if Finsbury Circus is deemed to be a desirable place for the recreation of the inhabitants of that part of London, because we have secured for ourselves a very large space of ground at the foot of Fore-street, Cripplegate, on the opposite side of Finsbury Pavement. I have got both plans here, and they are at your Lordships' service if you like to refer to them. [*The Witness produced the same.*] The intention was to have formed

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formed a junction with the station under the level of the ground to have passed under Finsbury Circus, and under those large streets in the neighbourhood of Finsbury Circus; and, as we reach the Bishopsgate-street Station, gradually to rise. It requires some length to rise from a depth of about 18 feet below the surface to 20 feet above the surface; but still, as will be seen by the plans, that can be effected.

738. *Chairman.*] Do you propose to work that with locomotive or fixed engines?

We think that every part of our undertaking may be worked with locomotives. The line from Victoria-street to Finsbury is a subway, and not a covered way. It will be open, just as the line of the North Western is, between Euston-square and Camden Town, and so on, towards the Great Eastern. No part of it was intended to be covered, except where it passed under the streets.

739. Lord *Wodehouse.*] Then your junction would have been an actual junction on the same level with the Great Eastern Railway?

Entirely so.

740. It was a different scheme from that which was brought into Parliament by the Great Eastern Company this year?

We objected to the scheme of this year very much.

741. Lord *Stanley* of Alderley.] Where did you propose to make your junction with the Great Eastern?

About 300 yards to the east of their present station.

742. In the direction of Stratford?

Yes.

743. Earl *Grey.*] Do you mean to carry on the passenger traffic without change of carriages?

Yes.

744. Lord *Redesdale.*] Is there not room for a very large station at the present Victoria Station?

Yes, there is, for a very large station.

745. Is there not a great deal of ground at the foot of Holborn Hill which is now nearly vacant, or occupied with very poor buildings?

Yes; we have already secured of the vacant ground belonging to the Corporation of London six acres, and we have power at the present moment, if we could see any disposition on the part of the great companies to help us, to take twelve acres.

746. Supposing that station was made as you propose, there would be no difficulty in giving the Great Eastern a station at the foot of Holborn Hill?

None. I have a plan showing what a very large space of ground we have [*producing the same*].

747. Lord *Stanley* of Alderley.] Have you secured that land?

We have bought it, and it is now actually in our possession.

748. Have you acquired a large space which would enable you to have a very large accommodation for goods traffic or otherwise?

Yes, very large.

749. Will that line be subterranean, or partly in open cutting?

That will depend very much on ourselves. Under the market it will be a subterranean railway.

750. Lord *Somerhill.*] You do not go further in Clerkenwell than is shown on that plan?

No.

751. *Chairman.*] Do you carry passengers and luggage?

Yes; we have also the power of giving a great deal of accommodation in Finsbury. (*This the Witness explained by a map*).

752. Lord *Stanley* of Alderley.] Have you acquired that property?

We are now purchasing the land for our Finsbury Extension.

753. What

753. What is the extent of it?
I can hardly tell; but I should say about four acres.

754. Earl *Grey*.] Is that to be a goods station?
No; we propose that to be a passenger station. There has been a great outcry at the idea of converting Finsbury Circus into a railway depôt. In consequence of that we have thought it expedient to make a large station there, which will enable us to dispense with the destruction of Finsbury Circus.

755. Lord *Stanley* of Alderley.] Do you propose to extend that by means of a subterranean communication?
Exactly; that is what we propose.

756. In point of fact, you propose to go under Finsbury Circus without interfering with the property, or doing any injury to the houses?
Exactly; even if they were injured they could easily be built up again.

757. *Chairman*.] Would there be any difficulty in increasing the number of lines on your railway, except the question of money?
None whatever. We are going to make the Finsbury portion with four lines of rail.

758. Lord *Stanley* of Alderley.] Have you space enough for that?
Quite.

759. Earl *Grey*.] Are there to be four lines in order to get to King's Cross?
Yes.

760. *Chairman*.] Is not the greater part of it to be open cutting?
It is in open cutting to that point entirely.

761. Suppose that scheme were carried out, where do you suppose would be the station adapted for the west-end passengers going by the Great Eastern?
Here (*pointing to Finsbury*).

762. Lord *Stanley* of Alderley.] Then they would have to go to Portland Place?
I am now supposing there is no junction.

763. *Chairman*.] But assuming that there was a junction?
Then they might stop at any one of our stations, wherever our railway carried them. They might go wherever they liked.

764. Earl *Grey*.] They would have in that case to change carriages?
That does not follow. We are now proposing to run through trains with the London, Chatham and Dover between Paddington and the Crystal Palace. We can easily run through between those distances.

765. Earl of *Lonsdale*.] When you take your passengers coming from Dover to Portland Place, do they go on in the same carriages, or do they have to change carriages at the City station?
We propose to run trains from Paddington, in connection with the London, Chatham and Dover, to Dover, so that a passenger may get into a carriage at Paddington and be taken out of that carriage at Dover and not before.

766. Lord *Redesdale*.] That is in the event of the Ludgate Junction station being made?
It is sanctioned.

767. *Chairman*.] You cross the river at Blackfriars Bridge?
Yes.

768. Lord *Stanley* of Alderley.] Have you the means of giving increased accommodation at those stations on the Metropolitan Railway between Paddington and Farringdon-street?
We have the power of rebuilding our stations at Gower-street and Baker-street. We built them too limited, in order to consult Lord Portman's interest at Baker-street and Lord Southampton's interest at Gower-street.

769. The proposed station is very much contracted?
Yes; and in building them it was requisite, in order to meet Lord Portman's and

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Lord Southampton's requirements, that we should not trench upon the forecourts of the houses. There is no reason why those stations should not be constructed in a very convenient way with girders.

770. Is it not the fact that you are very much inconvenienced at the present moment by the pressure of passengers?

I think the pressure is more in consequence of the paucity of length at the stations than the quantity of breadth. The stations are scarcely long enough. We can only accommodate conveniently a train of six carriages, whereas, what we should like to see, would be power to accommodate from ten to twelve carriages. On a wet Sunday great masses come out of the Regent's Park and continually crowd in at any one of these stations, and there are perhaps waiting at one time 400 or 500 persons, who are unable to proceed by the train.

771. Has the number of your passengers increased or diminished?

There has been a slight decrease lately.

772. To what do you attribute that?

To a certain amount of curiosity which induced persons to travel over the line when it was first opened, and partly in consequence of the omnibus companies having lowered their fares, and improved their accommodation, and otherwise entering into a system of competition with us, which we have not thought it expedient to follow.

773. Do you think that a considerable amount of your passenger traffic has been abstracted from the other modes of locomotion which existed before?

No; the omnibus companies say that their traffic has not diminished, and if that is so, our traffic must be entirely new traffic. I have no means of testing the correctness of that statement. When we first opened I saw the omnibuses running nearly empty, but I do not observe that now; they seem to fill very well.

774. Lord *Lyveden.*] Could you accommodate any other traffic now if it were thrown upon you?

We could accommodate any traffic which the Great Western choose to send us.

775. Have they sent you any at present?

None as yet.

776. Have you formed any communication at present with the Great Northern?

The arrangements have been completed between the Companies, but they are not in operation, because they are not at present sanctioned by the Board of Trade, in consequence of some little defect in the invert; but I hope we shall be able by the 1st of June to take the Great Northern traffic. We shall, by and bye, take the Great Northern traffic from King's Cross to Farringdon-street on two additional lines of rails.

777. Would not that require a widening of your tunnel as well?

We should make an additional tunnel.

778. That would involve you in as much further expense as that which you were originally at in constructing your line, would it not?

No, because one of the great expenses of these lines is the stations. It would be an additional line from that point (*referring to the map*) to King's Cross; when they come to this point, then the whole of our station will come into play. Station room costs us 50,000 *l.* an acre, and I calculate we have 20 acres there, which are worth to us a million of money. We purchased land from the Corporation at 35,000 *l.* an acre, and we call it cheap; we purchased a great quantity of land, and I find it cost us, as nearly as possible, 50,000 *l.* an acre, and from 300,000 *l.* to 400,000 *l.* a mile.

779. Earl *Grey.*] In carrying on this large traffic, are you not making your stoppages at the various stations so short that the passengers consider it to be dangerous to their lives?

I think it is a security against accident that there are so many stoppages.

780. But are not those stoppages made in too short a time?

It is a great accommodation to a person living at Paddington to be able to go from Victoria to Paddington in 16 minutes.

781. Is

781. Is not the time allowed for getting in and out of the carriages so short that it is positively dangerous?

We have not had lately many complaints; we have had some, but they have not been very frequent; we have only had one accident from that cause.

782. How much time do you give the passengers for each stoppage?

We calculate from three quarters of a minute to one minute is consumed at the station; that does not include the drawing up or the starting of the train; that is the total time consumed at the station while the train is at rest.

783. Earl of *Lonsdale*,] Do passengers get in and out of the carriages in that short time?

They do; it is rather a short period of time for an elderly lady, but it is astonishing how rapidly the public accommodate themselves to these things. If you go to one of our stations, you will see 50 or 60 people disappear almost instantaneously, and as many come out; of course, it is desirable to give more time if it were possible to do so, but if we are to stop at six places and do the three miles in 16 minutes it is impossible to give more time.

784. *Chairman.*] You have no through express trains?

No; our notion is that it would derange the organisation to have express trains on the line; as I have stated, our present arrangement is to have only one train at a time between one station and another.

785. Earl *Grey.*] You could not be secured from accident by adopting any other mode?

No.

786. Lord *Somerhill.*] What is the maximum speed which your trains ever run at?

From 20 to 25 miles an hour.

787. Do they often go as high as 25 miles an hour?

Very seldom; that is, for short distances.

788. Lord *Stanley* of Alderley.] Should you have any difficulty to contend with in the extension to Finsbury Circus on account of the sewers?

Not that I am aware of. The officer of the Corporation, Mr. Hayward, is a very intelligent person, and he has been into this matter with our engineer, Mr. Fowler. Of course, we do not know what we shall have to meet with until the time comes. They understand each other; and I am told they do not see any difficulty. We cross the middle level sewer at this point (*referring to the map*). The next great sewer is at Finsbury Pavement.

789. Do you not cross the Fleet Ditch?

We cross the Fleet Ditch four times. In Victoria-street it is parallel with us. Last year it was reconstructed at this point (*referring to the map*). We cross the Fleet Ditch four times between Victoria-street and King's Cross.

790. Always below it?

Always below it.

791. You go under some houses, do you not, in Portland Place?

Yes.

792. Have they been at all shaken in consequence of your line?

By arrangement with the Crown, we took those houses down before commencing our works, and subsequent to the execution of our works we have re-erected the houses. With the view of ascertaining whether there is any vibration, I went into one of them the other day and could not detect the times at which the trains were passing underneath.

793. Are not the iron beams on which they rest, in fact, underneath the kitchen floor?

I was in the kitchen very nearly an hour, and I could not tell when the trains were passing. I asked a man who was painting whether he could tell me when the trains were passing, and he said he could not. All the intervening pieces are filled up with brick arches.

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794. Not concrete?

No, bricks set in cement. There are some other buildings over our railway, and I have not heard any complaints; not even from the tavern at the Tottenham and Hampstead road.

795. Earl of *Lonsdale.*] Is that on an arch?

The public house is not exactly over the centre of the arch of the Hampstead-road; it is over the side of the arch, and advances into the street. But at the corner of Park Crescent the houses are exactly over the railway. At King's Cross, again, we have constructed our railway in the same way, and the houses are standing now. I hear no complaints from any one. We feel that we have power to accommodate the traffic of a great many companies, and we hope to accommodate the London, Chatham, and Dover, as well as the Great Western and other companies.

796. *Chairman.*] Have you any other suggestion to make with regard to the subject of metropolitan railway communications?

I do not know that I have; I think they ought to be entered upon with a great deal of circumspection and care, much more than is generally given to these things.

797. Do you mean subterranean or open communications?

Any; it does not matter which; I should think they will cost on the average something like 600,000 *l.* per mile.

798. Lord *Stanley* of Alderley.] Do you include in that the cost of the purchase of property?

I do.

799. The cost of your line going along the New Road, I presume, is comparatively small?

Yes; I consider that we have saved a million by going longitudinally under the New Road.

800. What was the cost of the construction per mile of that portion which goes under the New Road?

It has cost us 700,000 *l.* for the construction of four miles. I have asked our engineer, and he tells me that there is really no difference between the cost of a subway and a viaduct.

801. Earl of *Lonsdale.*] In fact, the great expense is the purchase of the land, is it not?

There is no doubt that the leading expense is, the purchase of land.

802. Lord *Stanley* of Alderley.] What do you consider to be the advantage of a subterranean communication over a viaduct, both with regard to the company and the public?

The advantage to the Company is the great saving in the cost of the land; to the public the advantage is that there is no disfigurement of a great city.

803. Putting aside the cost of the purchase of property, which do you think is the most expensive in the constructions?

They are very nearly the same.

804. Earl *Grey.*] If a new wide street in any part of London were required, would it not tend to a great deal of economy if, in making the street, arrangements were made for making a railway at the same time?

Yes, if the new street was going to be made long enough for a railway.

805. Would not the opening of a new street and a railway together be effected at a cheaper rate than if either were made singly.

Yes, no doubt; but I doubt whether a street could be made long enough for a railway. You cannot make a railway of a quarter of a mile in length, or half a mile in length end anywhere. It will not answer to make a railway for less than three or four miles in length. I do not know how you could make a street in London of that length. Oxford-street is already intersected by the main drainage, so that would prevent Oxford-street being used by a railway. I believe Piccadilly is still open, but I do not know whether a railway could be worked along Piccadilly without shaking down some of the houses.

806. Lord *Stanley* of Alderley.] Do you consider that it would be a convenience to form a subterranean railway through the Thames Embankment?

I think it would have been judicious to have combined a railway with the embankment; but instead of making it subterranean, I should have sunk it and not covered it. I think a railway sunk under the Thames Embankment would prevent its being an eyesore, and at the same time provide a good communication.

807. With regard to your line from King's Cross to Victoria-street, it is a sunken line, and not on the level of adjacent streets?

Yes, it is almost everywhere sunk in cutting. Where it crosses the Edgeware-road it is covered over; but from King's Cross to Victoria-street it is partly in cutting and partly covered over.

808. Earl *Grey*.] Is it sunk sufficiently to prevent its being an annoyance by frightening horses, and so on?

Yes.

809. Lord *Wodehouse*.] How near the level of the road does it come?

It comes nearer the surface of the ground opposite Harley-street than anywhere else; there the top of the arch is 15 or 16 inches only from the surface of the ground.

810. Where it is open cutting, how near does the railway come to the surface of the ground?

From 23 to 24 feet. At the point where the tunnel is it is about 28 to 30 feet below the surface of the ground.

811. Lord *Stanley* of Alderley.] That is nearly on a level, is it not?

I should think that at that spot it is 15 feet below the surface of the ground. I may just mention that we have carried, for many days together, 30,000 passengers a day. On the day that the Princess of Wales passed through London, and also on her wedding-day, we carried between 50,000 and 60,000 people; and if we had had a sufficiency of engine power, I think we might have trebled that number. As I said before, we have only 12 engines upon this new principle. It does appear to me that the companies who use the Metropolitan Line ought to work with the same engines that the Metropolitan Company work with themselves, which do not emit smoke.

812. Lord *Stanley* of Alderley.] Are you entirely dependent upon the Great Western?

For working plant we are entirely.

813. For how long a period is their agreement with you?

Ten years.

814. Are you unable to take any steps to put an end to it?

There is a little struggle between the Great Western and the Metropolitan as to the terms. We arranged the terms, as we thought, fair; but the Great Western say that the terms are onerous and disadvantageous to them, and they wish to have those terms re-adjusted. We shall either re-adjust those terms, or find the engines ourselves.

815. You cannot find the engines without breaking the contract?

The Great Western say it is not a contract; it is only an undertaking, which is affirmed by the Boards, but which never has received the assent of the proprietors.

816. May it be terminated at any moment?

If it is only an understanding, and not a contract, it may be; then it will be open for us to consider whether it is better for our interest that we should be perfectly independent of them, and work the line ourselves, or, on the other hand, whether we should leave the Great Western to work it.

817. Earl of *Lonsdale*.] Does the plant cost a very large sum?

£. 120,000; but that is not a liability from which we shrink. If we make an arrangement with the Great Western, we should not have power to work our own line at all.

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818. Lord *Wodehouse.*] What is the average number of passengers you are carrying?
Twenty-five thousand per day, or about 170,000 a week.

819. Lord *Somerhill.*] What is the average payment?
2¾ *d.* is the average payment by passengers.

820. Are they in three classes?
Yes.

821. Earl *Grey.*] Are they considering the question of building additional engines?
Yes.

822. What gauge is your line?
Our line is constructed both for the broad and narrow gauge.

823. Would the engines which now travel upon your line be serviceable for going into the country?
Yes; we work engines from Farringdon-street to King's Cross, and they are adapted to work from King's Cross to Paddington.

824. Are they much more expensive than the ordinary engines?
Not a great deal.

825. Lord *Stanley* of Alderley.] Is it not the fact that they all consume their own smoke?
They do not all of them.

826. Lord *Wodehouse.*] Can you state what objection the Great Eastern Railway Company entertained to the scheme which you suggested for a junction?
The objection of the Great Eastern at the time the scheme was projected was, as we were told, that they were hardly strong enough to encounter the expense involved in the undertaking; but we have reason to believe that some of the parties who are influential in the management of the Great Eastern, did not like the subway, and wanted a line on a viaduct. If we had not made our railway already as a subway, we might have met their views; but having already made our arrangements, there was nothing else to be done except that it should be a subway up to a certain point, and an overway for the remainder. The Great Eastern at the same time, until this last year, were comparatively a weak body, with difficulties amongst themselves.

827. Lord *Stanley* of Alderley.] Will not the scheme which the Great Eastern brought before Parliament this year for taking Finsbury Circus, involve an equal expenditure to that which was required for making a connexion with you?
Yes; I think it was a mistake on the part of the Great Eastern to promote that measure in Parliament, and we were very glad to see it rejected without any opposition on our part, for we should have been obliged to have opposed it if it had passed its second reading.

The Witness is directed to withdraw.

JAMES S. FORBES, Esquire, is called in, and examined as follows:

828. *Chairman.*] YOU represent the London, Chatham, and Dover Railway Company?
Yes.

829. You are aware that the reference to this Committee is, among other things, to report as to the best mode of providing a general scheme of railway communication for the Metropolis with the greatest advantage to the public, and the least disadvantage to the local arrangements of the Metropolis: can you give the Committee any information on that subject?

Naturally,

Naturally, the attention of my company has been called very much to the question of metropolitan communication, they themselves having projected a scheme for perfecting that communication; we have well looked to the importance of obtaining communication, more especially between the north and south. *J. S. Forbes, Esq.* 4th May 1863.

830. Will you state how far you think the scheme which you have proposed is available for connecting you with any number of railways north of the river?

We have projected a system of railways crossing the river at Blackfriars, and we hope to connect that system with the Metropolitan, and, by means of the Metropolitan, certainly with the Great Northern and Great Western, and probably with the Midland Railway; we have entered into arrangements with the Great Northern Railway and the Metropolitan Railway Company for utilising that communication, both as regards the through traffic from the north to the south, as well as the local circular traffic of London. We have found it necessary to undertake the construction of four lines of rails between the Elephant and Castle, and Earl-street, Blackfriars, to be continued to the junction with the Metropolitan Railway at Farringdon-street; and we look for the probable extension of the four lines of rails from the Elephant and Castle, in the other direction, round to the junction with the bridge over the Thames leading into Victoria Station. We have already some experience of the effect upon the street traffic and the convenience of the public, of our suburban railway round by the Elephant and Castle, which opened almost at the same time as the Metropolitan Railway. I mean our railway round from the Victoria Station to Clapham, Brixton, Camberwell, and so round to the Elephant and Castle. We are rapidly pushing forward the line between the Elephant and Castle and Blackfriars Bridge, which will be ready for opening in September next; we hope that the bridge itself will be opened on the 1st May 1864, and that simultaneously with that opening, the connecting link between Earl-street and the Metropolitan Station at Farringdon-street will be completed. There will then be unbroken communication from Paddington, *viâ* Farringdon-street, to Victoria West End Station, and to all the districts served by the London, Chatham, and Dover Railway. The missing link between the Elephant and Castle and Farringdon-street has been temporarily filled up by the Omnibus Company, who have put on a service of omnibuses for that particular traffic; they are the large three-horse omnibuses running from the Elephant and Castle to Farringdon-street, over Blackfriars Bridge; they are doing extremely well, and load very heavily; they run very frequently, but they are forming an addition to the obstruction of the streets in the neighbourhood of Ludgate-hill, at the bottom of which there is a very dangerous and difficult crossing; and these cumbrous and large vehicles are found to be rather an aggravation of an evil which was before sufficiently bad. The moment the link of railway is completed between the Elephant and Castle and Blackfriars Bridge, those omnibuses will immediately vanish. The omnibuses upon the route of our railway, especially on the Brixton and Camberwell-roads, have been very much reduced in number since the opening, and although the railway communication is so imperfect, we are carrying 50,000 passengers a week over that line; I have no doubt that that number will be doubled and trebled when the bridge is made. The inference I draw from that is, that the public themselves appreciate the advantage of a through communication by railway in two ways: first, as regards the gain in comfort, convenience, and cheapness of railway travelling; and in the next place as regards the reduction of that evil from which we all suffer so very much, the blockade of the streets and the approaches to the railways. With regard to the Great Northern Company, we have made arrangements with them, contingent upon the opening of the link line between Blackfriars and Farringdon-street, by which goods traffic from the north to the south will be carried through from their system of railway to our system, without the necessity of breaking bulk. That is very important, because at present all the continental goods which are not consumed in London (and the quantity consumed in London is a very small proportion of the whole), have to be carted through the streets: all that would be saved. It will be a very great convenience with regard to the cattle coming from abroad; a very large number of cattle indeed come by the steamers. I had occasion to give evidence before a Committee of the House of Peers the other day, when I produced some statistics with regard to Holland. I find that last year as many as 22,000 oxen, an equal number of calves, nearly 200,000 sheep, and a very large number of pigs, were brought to London by the steamers and had to be landed at the different wharves. Nearly the whole of those were

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were for the consumption of the London market. Our company will make use of the port of Ramsgate, which is the most convenient port for Rotterdam. The animals will be turned out at Ramsgate, and, after being refreshed there, will be sent on their journey in trucks direct to the Cattle Market in London, instead of being, as they are now, turned out on the wharf and driven through very narrow and crowded streets. That is one consideration which induced the London, Chatham, and Dover Company to go to an enormous expense in perfecting this communication.

831. Have you at present much traffic in heavy goods of a continental character?

No, we have not; the South Eastern Company carry that on at present.

832. The representative of the South Eastern Company has stated that they have very little traffic in heavy goods for the Continent?

I think that may possibly arise from the fact that they have confined themselves exclusively to the high-class Paris traffic, which is almost peculiarly in fancy articles.

833. Do you anticipate having a very large traffic, going both up and down, in goods for France and from France?

Taking Antwerp and Rotterdam, there is much greater traffic to those ports than to France; they are the ports for Belgium, Holland, the Rhine district, and the North of Germany.

834. Will it be part of your plan to encourage heavy goods traffic, or not?

Certainly; we are going to great expense now, in London and Ramsgate, for the purpose.

835. Earl *Grey*.] Will the traffic from the north go through London, or will it still continue to go, as we are told it does now, by way of Grimsby and that way?

The Grimsby and Hull routes are very well suited for certain classes of traffic; but the goods traffic from the hardware districts of Wolverhampton, and the iron districts, and even from Manchester itself, and certainly from Leeds and Bradford, is of a character which will enable the transport through London to compete very successfully with the route by way of Hull. That traffic has only very recently been cultivated, and to a very limited extent. The company which I represent especially will avail themselves of the London route, and they consider it will be very advantageous to have a convenient port like Ramsgate to operate upon.

836. Lord *Wodehouse*.] Do you suppose that it will be convenient as to the goods traffic with the Elbe, and the principal traffic with North Germany through Hamburg?

I myself manage a railway in Germany, and we have been enabled to compete from Rotterdam to the districts served by the Elbe. In colonial produce, such as rice, tobacco, and coffee, which form articles of such great consumption throughout Germany, we find we have been able to compete very successfully with Hamburg.

837. So that you may anticipate a very large goods traffic indeed through London?

I think so.

838. Lord *Stanley* of Alderley.] With regard to the passengers carried by the omnibuses between the Great Eastern and Farringdon-street, are you able to state to the Committee what proportion are taken through from the Elephant and Castle to Farringdon-street, or what proportion stop short in the City?

I am not able to give you the numbers, but they can be furnished.

839. You seem to have considered that a great portion of that traffic is through traffic, and that if a railroad were to stop in the direction of Farringdon-street, they would not be conveyed by omnibuses through the streets?

Of course a considerable number of passengers who travel by those omnibuses are short passengers; there will be a station in Earl-street, and another station in Farringdon-street; and passengers will be discharged at points short of or beyond Ludgate-hill, which will have the effect of disencumbering the streets of a great many omnibuses.

840. Lord *Wodehouse*.] When you have finished your junction with the Metropolitan Railway, will the traffic be made up of long trains?

By

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By arrangement with the Metropolitan Company, we have taken power to start from the King's Cross Station; there will be a train running from King's Cross Station, and a corresponding train from the Victoria Station, which will join at the junction at Herne Hill; both will collect traffic, and then that traffic will proceed on the forward journey from Herne Hill to the Coast.

841. Earl *Grey*.] The passengers will not change carriages, but the carriages will join and make one train?

Yes, exactly, as the Brighton Company now manage it at Croydon; the Great Western Company are now running trains from Paddington all round by Kensington, and over the bridge leading into the Victoria Station.

842. Lord *Stanley* of Alderley.] How do you propose to effect your junction with the Metropolitan Railway?

There is a great discussion going on now as to that; that scheme was before Parliament for 60 days before the powers were obtained; it was argued out at great length, and one of the points was the difficulty of getting over Ludgate-hill. It was considered that that was the only practical way of doing it. It is now suggested that tunnelling could be resorted to, but those who are very cognisant with the subject say it is impossible; our engineers say it is only practicable to cross in the way it is proposed, going over Ludgate-hill, and dropping down on the the other side by a sharp gradient into the Farringdon-street Station.

843. Earl *Grey*.] You have the power of making that already?

Yes.

844. Have not those powers nearly expired?

The powers for taking property expire in August; but we are now in possession of a considerable proportion of the property.

845. Lord *Stanley* of Alderley.] Is it necessary for the purpose that you should form a junction at Farringdon-street Station, or would it answer your purpose if you formed a junction with the proposed line at Smithfield?

We have power to do so; but that is on a gradient of 1 in 40.

846. Would it not be practicable to form a junction at Smithfield?

It is a very complicated system of railways to get to Smithfield upon this side (*referring to the map*).

847. Lord *Wodehouse*.] Where will your principal goods station be?

We have acquired considerable land south of Blackfriars Bridge on the Surrey side. We are obliged to go to a considerable elevation there, and we propose to utilise the whole of the under-structure for the purpose of a goods station.

848. *Chairman*.] Having considered the subject of metropolitan railway communication, independently of that which you propose to afford by your own line, have you any further information you can give the Committee?

I have considered the subject a good deal, and there seems to be very great difficulty indeed in having anything like a central station or uniform plan. I was for many years the manager of the Great Western in London, and had the superintendence of the whole of their system of receiving houses, and the carting and horse arrangements at the Paddington Station, which is one of the largest goods stations. We found that as the establishment expenses became larger, the difficulty of doing the work increased in a still greater proportion. Where you are absolute masters of the people about a station it is a very different matter to where there are various interests concerned. Goods business has to be carried on a great deal in the night, and under very great pressure. The whole of it has to be compressed into a very short space of time. The merchants and men of business in the City receive their orders in the morning by post, and during the day they are packing up goods they deliver to the railways in the evening. With regard to Pickford & Co., Chaplin & Horne, and the great railway agents who are apportioned a certain division of accommodation at the station, we have always found a very great difficulty in regulating conflicting interests. I am of opinion that if the size of such stations was to be materially increased the business would become very much more complicated than it is at present, and existing evils would be magnified very much. I for one do not at all see my way to having a central station. I think

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think that for the public it would be very difficult. We have found the principal stations relieved very much by the establishment of outside receiving offices. They are very advantageous as regards distance and the cost of conveying goods to them is trifling. My own idea is, that separate stations for the separate companies London would be the most advantageous way of conducting the London traffic. I think it is the traffic which has to be passed through London which is one of the great sources of difficulties, and this both with regard to goods and passengers, and more especially the transhipment of goods. The cost of horses is very great, besides the time consumed, and then there is the depreciation of the goods themselves, because goods cannot be transhipped from a railway waggon into a cart, or from a cart into a railway waggon without a certain amount of risk and damage. I set down myself, from a good deal of practical knowledge, 5*s.* or 6*s.* a ton, as the cost of getting goods through London. Goods for Chatham dock-yard are a good illustration. They have now iron masts of an enormous length for the war steamers, and very large iron work which have to be moved by horses and carts with the greatest difficulty and great expense through London. They are breaking down continually. If a link existed between the Great Northern and ourselves, London would know nothing whatever of that; it would be mostly done in the night, and not interfere with the passenger traffic; and it would be done at an immense saving of cost to the Crown, who now pays for transport to Chatham.

849. From your answers, you appear to be of opinion that the desideratum is to have a communication between the railways, but not a central station?

I think a communication between the railways certainly would be a very great advantage. A central station is a thing which looks very well in theory, but which in practice will be found to be almost impossible. There are some stations which may afford a means of testing that opinion; for instance, Chester, which is a station where several railways converge, where there is a business very much smaller in amount than what might be expected at a central station in London, still at which there is a difficulty that is at times beyond description. I believe everything is done in that station which can be done to keep people right, but they only find their way with the greatest difficulty. There are frequent cases arising of passengers going by the wrong trains, going north when they wanted to go south.

850. What is your opinion of a station which, from its central position, would very likely tempt the public to use it, both as regards themselves and their goods, becoming the joint station for all the railways who had agreed to communicate by that line of railway?

I think the better plan would be, the plan which we have adopted with regard to these Metropolitan Railways—this inner circle as we have called it. The stations are fixed with reference to the position of the people using the railway. When that line is completed, or even now, when our line is opened through Beckenham, people living at Camberwell or Brixton, or any one of those residential localities, traversed by our line, wishing to go to Dover or the Continent, instead of having to drive through town, would be enabled, with much greater comfort, in much less time, and with much less expense, to drive to the station most convenient for that purpose, and go on to Dover at once. That will relieve the streets of a great deal of traffic.

851. Supposing the Metropolitan Railway becomes the means of communication for three of the great Northern Railways with your railway, would you propose that each of those stations should be common to all the three great companies?

Yes; from the nature of our arrangement with the Great Northern Company, they will be enabled to run their own trains from King's Cross round over our line to Victoria, and down to Herne Hill Junction. There is no reason whatever, if they find it to their interest to do so, that is to say, if the public convenience requires it, and makes it pay, why the trains which arrive from some portion of their line, for instance, from Manchester, should not run on to Herne Hill, and deliver their passengers there. If you will consider the case of the communication between Manchester and Paris, which is very large, when that line is perfected, the Manchester passengers instead of stepping out at King's Cross, and having to find his way across London in a cab to London Bridge or Farringdon-street, may easily be taken on to Herne Hill, and there he will be overtaken by a fast

fast train bound to Dover, and he may go through to Dover without change of carriage. *J. S. Forbes, Esq.*

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852. Generally speaking, the evidence which has been given, is against the notion that there will be a very great through traffic in passengers, but that the great majority of passengers, either on pleasure or business, stop in London for some hours, and sometimes for a day?

I suppose that would be so to some extent; but I think it would be more the case with respect to passengers arriving from the continent than those going to the continent. We run from London to Dover in two hours and a half, and I think that people instead of stopping in London would prefer stopping at the end of their railway journey. It would be the same with passengers coming by the different routes of the Great Western and the Great Northern. They would prefer going on, in the majority of cases, to Dover, and stopping there so as to obtain a choice of the boats. They are then in time for the early morning boat; but if they stop in London they must leave London Bridge at half-past seven to catch that boat. Suppose the case of ladies, and children, and nurses; that involves getting up very early; whereas if they continued their journey, most of the trains now throughout the country are so regulated that passengers can arrive from the most distant places in a reasonable time in the afternoon, whereby everything is comfortable, and they have time to go forward by the boat at half-past nine in the morning from Dover, without the difficulty and the inconvenience which is incurred by a family starting very early in the morning. Therefore, I think, there will be a very considerable through communication.

Ordered, that this Committee be adjourned till Friday next,
Two o'clock.

Die Veneris, 8° *Maii* 1863.

LORDS PRESENT:

Lord President.	Lord Redesdale.
Duke of Buckingham and Chandos.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Earl of Lonsdale.	Lord Belper.
Viscount Eversley.	Lord Lyveden.
Lord Wodehouse.	Lord Taunton.

The LORD PRESIDENT in the Chair.

Evidence on Metropolitan Railway Communication.

A. Scott, Esq.

8th May 1863.

ARCHIBALD SCOTT, Esquire, is called in, and examined as follows:

853. *Chairman.*] YOU are the Manager of the South Western Railway? I am.

854. Can you give the Committee any information upon the subject as to what comprehensive scheme can be introduced with reference to a railway communication through the Metropolis?

I shall be very glad to give any information the Committee may wish to have. I do not exactly understand the particular object to which my attention is desired to be directed.

855. Perhaps you will, in the first place, be good enough to state what, with regard to the requirements of your own railway, you consider would be necessary, that is to say, whether you are satisfied with your present terminus, or whether you wish for one which is still more in the centre of the Metropolis; and, in the second place, whether you are satisfied with the communication you now have with other railways, and whether there are other lines with which you wish to communicate?

With regard to that question, the South Western Company are situated in this manner. Many years ago, in 1847, their London terminus was at Nine Elms, on the west side of Vauxhall Bridge; in 1845 they obtained an Act empowering them to extend their line to Waterloo Station, and that extension was opened in 1848. Some years subsequently to that, a railway was projected, called the North and South Western Junction Line, which connected the South Western system with the North Western Line, *viâ* Kew and Willesden, and brought the South Western Line into communication with the North Western. That railway has been found of great advantage to the public, and a very large traffic has passed over it; subsequently to that, again, the Act for the Charing Cross Railway has been passed, which is intended to connect the South Eastern Railway at London Bridge with the Waterloo Station of the South Western, having a station also on the other side of the river at Charing Cross. Since then an Act for an extension of that line into Cannon-street has been passed. The South Western Company have no running powers or rights over the Charing Cross Line; but by a clause in the Charing Cross Act, the Charing Cross Company are bound to open the short branch which leads to Waterloo Station at the same time that they open their main line between London Bridge and Charing Cross. The manner of working the Charing Cross Line, when it opens, is yet undetermined; it is a question whether the Company will work their line in such a manner as to give that accommodation to the public which would be necessary in order to make the Charing Cross Line a virtual extension into the City of the South Western Railway. If the Charing Cross Line were so worked, I believe that passengers by the South Western Railway could be conveniently taken

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over the Charing Cross Line to London Bridge and the City. Of course, that altogether depends upon the mode which the Charing Cross Company may adopt in working their line when opened; the South Western Directors took that matter into consideration some twelve months ago; they thought it would be advisable, if possible, to make an arrangement with the Charing Cross Company, in order to have, in fact, running powers over the Charing Cross Line into the Cannon-street Station, so as to get into the heart of the City. But the negotiations did not prove successful, and, therefore, at the present moment the South Western Company are simply dependent upon the clause in the Charing Cross Act. Expressing my own opinion, I should say that if the Charing Cross Company were found by experience not to work their railway so as to carry out efficiently that clause in the Act, I think the South Western Company would ask Parliament for powers over the Charing Cross Line. Since the Charing Cross Line has been authorised, the South Western is in this position, that it is not possible, or, if possible, certainly it would be a large destruction of property uselessly, to form another line into the City for the South Western Railway; the reason of that is, that the Charing Cross Line abuts on the eastern end of the Waterloo Station, so as to render it almost an impossibility to get another line from Waterloo separate and distinct from the Charing Cross Line; therefore, as I have said, if the Charing Cross Company were found not to work their Railway, as we understand they ought to work it, to carry out the object of Parliament in putting that clause into the Bill, I think the South Western Company might require to come to Parliament, and ask further powers for that object.

856. Then I understand, apart from the details of the arrangement, that what you think desirable is, that the South Western should have complete access to the Charing Cross Station?

My opinion is, that the Waterloo Station is a very convenient station for a large portion of London, the access to Waterloo from the various bridges, which all converge nearly to a common point, or rather a narrow circle, bring the Waterloo Station into a very good position with respect to a large portion of the Metropolis; but the Charing Cross Line being sanctioned, and forming an actual junction with the South Western, and there being a station in Cannon-street, I think the public would not submit to any obstacle which would prevent the free use of the Cannon-street Station; I believe the public would not submit to have anything thrown in their way which would prevent their reaching that more central station; therefore, I do not think we should consider that the Waterloo Station as an ultimate terminus for the South Western Railway in the City direction; I do not think it is so necessary to get to the Charing Cross Station, and as a fact we have never proposed that, because I think the Waterloo Station is sufficiently convenient for that part of London; the new Bridge at Westminster brings us immediately into Parliament-street and Charing Cross, so that I do not think that access to Charing Cross Station would be a great public advantage, if any. There is another branch of the subject to which I formerly alluded, and that is the connexion with the Northern Lines; since the formation of the first line that I spoke of, the North and South West Junction, the West London Extension Line has also been made, over which the South Western Company work, and are part proprietors. That line in a greater degree completes the connexion between the lines on the south side of the Thames and those on the north side, and, so far as I am able to judge, I believe that connexion is perfectly sufficient for all present public wants; it has only been opened so recently as the 2d of March, but the traffic is already considerable, and the public seem to be very well satisfied with the accommodation. Therefore, I do not think, so far as the South Western is concerned, that any additional connexion with the Northern Lines is required. With the Southern Lines we have already a connexion, that is, with the Brighton, with the London, Chatham and Dover, and with the South Eastern we shall obtain a connexion by means of the Charing Cross Line. I do not know that I have any other remarks to make, but I shall be glad to give any explanation which may be desired.

857. Lord *Redesdale.*] Can you state what the extension from Nine Elms to Waterloo cost?

It has been roughly estimated at a million of money. I believe that was about the cost of actually constructing that extension. But since that time the

Waterloo

Waterloo Station and the Nine Elms works have been very much increased; therefore, I suppose, up to the present moment, there has been altogether a million and a half expended on that extension, and the improvement of the Nine Elms Station. The construction of that one mile of railway was said to have cost a million of money.

858. Do you consider that there has been any adequate return from that extension to pay for the expenditure?

That question can only be answered in a broad point of view. Taking the Metropolitan extension of one mile as a line by itself, I can scarcely say that the traffic over that one mile alone could have paid for that expenditure of money, but when the South Westerm Railway, as it formerly existed at Nine Elms, is compared with what it now is, there is no doubt that upon its whole system it has spent that million to a very good purpose, both for itself and the public; in fact, there can be no comparison made between the South Western Railway as it was then and as it is now. It could not have been as it is now but for that extension.

859. *Chairman.*] Can you state what are considered to be the advantages which have been derived from that station with regard to the general traffic of the railway?

Taking, in the first instance, the suburban traffic, the traffic into the Richmond and Kingston district, at the time I speak of, was almost insignificant; in fact, there was not a single season ticket in existence at Nine Elms Station, now there are about 2,500 season ticket holders constantly travelling every day. I have not at this moment in my recollection the actual receipts at the two periods; but, speaking roughly, I should say the revenue is about quadrupled over the whole of the system. The suburban traffic of the line is a forcible example, because there is a residential population created of at least 2,500 people, with all their contingent traffic, which did not at all exist before the extension was formed. The total receipts of the South Western Company were, in 1847, 352,840 *l.*, and in 1862, 1,306,086 *l.*

860. Duke of *Buckingham and Chandos.*] Has not your general mileage, also, been largely extended?

That is quite true; but, even taking that into consideration, it would not sufficiently account for the large increase in the receipts.

861. The season ticket holders who take their tickets at Nine Elms, do not derive any benefit from the Waterloo Extension?

There is no actual station at Nine Elms now; all the passengers go from the Waterloo Station. I merely mention that to show that the station, when it existed at Nine Elms, did not in any way develop that residential traffic which now exists.

862. The season ticket holders of whom you speak as being in the neighbourhood of Nine Elms, I presume, habitually use the Vauxhall Station now?

It was the Nine Elms Station then. Vauxhall is on the extension line.

863. *Chairman.*] Do they use the Nine Elms Station now?

No; the Nine Elms Station is abandoned for passenger traffic. A new station exists at Vauxhall, upon a part of the extension between Nine Elms and Waterloo.

864. Have you considered the subject of the best means of connecting together the different railways communicating with the Metropolis?

I have considered it. My own opinion is decidedly adverse to the suggestion of having a common station which all the companies might use.

865. Have you considered at all, apart from the question of a central station, which seems to be generally disapproved of, whether it would be easy to have one line across the Metropolis, which might be used as a means of communication, although the station should be different, by a large number of the railways north and south of the Thames?

That exists; at the present moment there are the means of communication between every railway in London, the one with the other. It may be too great a circle, but it actually exists. Taking the North London Line, it starts from Fenchurch-street, and connects the Blackwall, the Great Eastern, the Great Northern, the North Western, and by means of the West London Extension Line

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Line the Great Western, with the South Western, the London, Chatham, and Dover, and the Brighton and South Coast. The North London and the West London Extension do that now. The Charing Cross Line will likewise form a connexion with the South Eastern Line.

866. That would be a circuitous communication with regard to goods, because there would be a great deal of breakage arising from the goods having to go over the different lines of railway?

The circuit extends in the north as far as Camden, and to the south as far as Wandsworth. The circuit is not a wide one, but the Metropolitan also forms an inner circle which will connect the Great Northern. I am not sure whether they mean to complete their junction with the North Western at Euston, but it also connects the Great Western with all the southern lines in a sort of inner circle. I do not think that the circle which the North London and West London Extension describes can be called very circuitous.

867. Then, is it your opinion that with regard to passenger traffic, goods traffic, and coal traffic, there are lines, either completed or authorised to be made, sufficient for the accommodation of the railway system?

That is my opinion.

868. Duke of *Buckingham and Chandos.*] Can you give the Committee any idea of the amount of traffic taken by the North Western to their system through the North and South Western Junction, either monthly or yearly?

There were carried over the North and South Western Junction Line to and from the South Western Line in the year 1862, 35,000 tons of goods and 120,000 tons of coals; in all 150,000 tons.

869. Do you use the Falcon-bridge with the North and South Western Junction?

For passenger traffic, but not for goods. The accommodation for the goods traffic on the West London Extension Line is not yet completed.

870. Lord *Redesdale.*] Do you conceive that taking off the toll of Waterloo Bridge would make a material difference in your traffic?

I am quite sure that it would. We have endeavoured frequently to get additional omnibuses put on to pass over that bridge, to accommodate the Strand, Fleet-street, Chancery-lane, and that district; we have subsidised them, and continued them on for some time; but the tolls are found to be so heavy, that we cannot keep them running. We have always subsidised omnibuses to the City, but not over Waterloo Bridge. We can keep the City omnibuses on, because there is no toll.

871. Lord *Lyveden.*] You say you consider the present central communication sufficient; have you known of no complaints of persons coming to and from your line of the difficulty of getting access to other lines north of the town?

Yes; the existing lines, I believe, provide sufficient railway accommodation. The difficulty at the present moment to a passenger coming off the North Western Line is this: he can only avail himself of the railway route by getting out of a fast train; that is to say, the fast trains are made to run to Euston-square, and in order to reach Kensington, or the South Western or Brighton Line, in some cases, the passenger changes at Rugby, and again at Harrow. In other cases he can get out at Harrow without changing at Rugby. Whichever of the fast trains he takes, he must make two changes. Passengers do not like to lose the benefit of the fast trains, and therefore they make for Euston Station, and take their passage through London in cabs, as they hitherto have done. That has been pointed out as a difficulty; I do not wish to blame the North Western, because the same thing occurs on the South Western. Fast trains do not stop at the new junction at Clapham; we have been considering how that is to be met. The North Western Company proposes to put down a considerable station at Willesden, which is the point where the West London comes off, and where also the Hampstead Junction starts from. They propose to make that their ticket collecting station, instead of Camden, so that passengers may get by the Hampstead Junction into the City in the one direction, and towards the South Western and Brighton systems in the other. We, in the same way, intend to make the Clapham Junction our ticket collecting station, so as to make the communication complete there. So far as we are concerned, we are already

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in that position. The North Western have got a station to build at Willesden, but they have got authority from their shareholders to expend the money.

872. Could not that difficulty be also remedied by means of what is called metropolitan communication?

I do not exactly see how it is to be improved.

873. Supposing a railway advancing further into the town on both sides, will not that meet the difficulty?

I understood what was desired to be a connecting link between the different systems of railways coming into London. The further these come into London the more difficult it will be to get that connecting link.

874. Why so?

Because if you approach towards the centre of the metropolis, you may get a station there; but there is an immense difficulty in making a connecting link with other railways from that point.

875. Does not a person who now wishes to go from the South Western Railway to the North Western proceed right through the heart of the town?

No; if he goes by railway, he would get from Clapham Junction to Kensington, and to Willesden, and there get upon the North Western.

876. *Chairman.*] How long does that take him now?

It will take him 20 minutes to get from Clapham Junction to Willesden.

877. From the moment of arrival?

A train starting from Clapham Junction would get to Kensington in 12 minutes, and then from Kensington to Willesden it would be 8 minutes, so that it would take 20 minutes.

878. How long would it take him now?

The same time, provided there was a station at Willesden.

879. Lord *Lyveden.*] Would that arrangement take the passenger from one fast train to another?

Yes.

880. Earl *Grey.*] How long would it take to go by omnibus from Waterloo Station to Euston-square?

Twenty minutes.

881. So that a passenger would save time by getting out at the Clapham Junction?

He would save four miles coming to London, and four miles in getting from London to Willesden.

882. Besides all the trouble and inconvenience of the omnibus?

Yes. Of course, there must always be the change of the train. There would be a local train starting from Clapham Junction running to Willesden Junction.

883. The Duke of *Buckingham and Chandos.*] That communication would also accommodate the Great Western traffic at the point of crossing over their line, would it not?

The Great Western trains run from Victoria Station through Kensington to Southall, and passengers would get into those trains at Kensington; passengers on the Great Western for Victoria change at Southall.

884. They would have the opportunity of doing so either from your line, the Great Western, or the North Western at that point?

Certainly.

The Witness is directed to withdraw.

FREDERICK SLIGHT, Esquire, is called in, and examined as follows:

F. Slight, Esq.

885. *Chairman.*] YOU are the Manager of the London, Brighton, and South Coast Railway?

No, I am their Secretary.

886. Will you be good enough to state to the Committee whether you consider that your railway requires in its own interest, and for the accommodation of the public, further extension into the Metropolis than it has at present?

That is a somewhat difficult question to answer. Our Board has recently

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completed one of its extensions into the Metropolis at Victoria. We were the first Company which had extended into the Metropolis to a second station. Of course, we are now considering the effect it has had, and is producing, on our revenue.

887. Are you at liberty to state any result at which you have at present arrived?

The result has hardly yet been attained; but I may state generally, that it has been most satisfactory. It has had one effect, that of relieving the approaches to our London Bridge Station, by transferring to the West End the bulk of the family traffic coming in cabs with luggage, and also of relieving the increasing traffic of London Bridge. The receipts have been very satisfactory, not so much, perhaps, as increasing the traffic at stations where we had already access, as, for instance, the Brighton traffic itself, as in opening up another district near London. There is more increase, *pro ratâ*, in the suburban traffic than in the through traffic.

888. Will you state to the Committee what are the requirements of your railway as to any further communication with other lines of railway, either north or south of the Thames?

By the completion of our West London Extension Railway, which was opened two months ago, and of which, of course, we have as yet no practical result, we have obtained a communication with every railway in England, and we have commenced a system of through booking.

889. Is that one that you consider satisfactory?

As far as it has at present gone, it is perfectly satisfactory. That it will not hereafter be capable of improvement would be a bold thing to say. Supposing the companies to work harmoniously together, as we are likely to do, I think, for all purposes of through transit, we shall have the best means. We are of opinion that it is better the traffic should be sent through by taking a circle outside London, such as the Kensington Line does, than by any attempt to send it through London, as we hear so much of in the Committee-rooms of this House by means of the Metropolitan Railway.

890. Are you of that opinion with regard to passengers, as well as to goods and coals?

Certainly. I may say fairly that the impression of our Board is, that there will not be much traffic sent through London, except on special occasions. Persons passing from the north to the south desire to have an opportunity of remaining in London, if it is only a few hours, whether on business or to see their friends; at the same time, on special occasions, such as the Epsom Races, the fêtes at the Crystal Palace, or excursion traffic to the southern watering places, the trains would pass through. Our opinion is, that the traffic will be worked with greater facility by such a railway as the West London Extension, rather than it should pass through all the tunnels between King's Cross, Paddington, and the City. Again, we feel that that will be a greater advantage, and that the traffic can be worked with greater facility by avoiding the whole of the Metropolitan termini. Our Kensington communication gives a communication with all the railways, with the singular advantage of avoiding all their termini within the Metropolis, and without the whole of the traffic being brought through the termini of the two railways which may be used.

891. Lord *Lyveden.*] Have you a large traffic in persons going abroad?

Yes; we have a moderately fair continental traffic.

892. Do they wish to stay in London, or pass through without stopping?

We have no means of knowing at present, because we have only just commenced booking them through; but at the same time we give an extra length of time for performing the journey to all the tickets which we are now issuing through London by the North Western system, and for the very reason that we know they will desire to remain in London.

893. Duke of *Buckingham and Chandos.*] Passengers are allowed to break their journey with those tickets?

Yes.

894. Viscount *Eversley.*] How do you get to the Great Northern?

We should have two routes; we can either for goods traffic take the Kensington route, and thence by the North London, and join north of King's Cross, or

or by means of our arrangements with the London, Chatham, and Dover Company, which I have not yet mentioned, we could send our traffic to Farringdon-street by the Metropolitan; we have both the communications. By a Bill which will shortly come before your Lordships' House, we take power to construct a line to Herne-hill, and at that point by an agreement with the London, Chatham, and Dover, which has been executed under seal, we are to have a great junction station, and exchange traffic with them. The carriages will go through to Ludgate-hill Station, as it is now called, in connexion with the Metropolitan.

895. Lord *Redesdale.*] Do you work well with the South Eastern?

Yes; we have little difficulties occasionally, like most neighbouring companies.

896. Then you will also have a communication with Cannon-street?

That is rather a moot question. No doubt the Committee are familiar with the mode of construction of the extension from Charing Cross to Cannon-street. In the opinion of our Company there has been a very serious mistake committed, which we are of opinion will hereafter have to be amended at a heavy outlay of capital.

897. In what respect?

In this respect: the station of the South Eastern and the station of our Company are together, side by side, the South Eastern Station being to the north and ours to the south. They have constructed their line leading from Charing Cross to Cannon-street, starting away on the north on the right-hand side, so that all that traffic coming from our system, must cross the whole of their system in order to get on to that line. Suppose, for the sake of the argument, that the two Companies became amalgamated, and wanted to work on to Charing Cross, instead of carrying a line forward in the centre between the two stations, they have placed it, for some proper reason no doubt, on the north of their line, so as to exclude the access for our traffic.

898. Duke of *Buckingham and Chandos.*] Do you mean the access for railway traffic?

The carriages. A train arriving from Brighton or Epsom would have to be taken across the line of the South Eastern, in order to get to the point of junction to run on to Charing Cross. That is a matter which will have to be met and disposed of if the public requirements should necessitate the conveying of our traffic to Cannon-street and Charing Cross.

899. That is not a point as to which any material difficulty will be felt if there was a large demand from the traffic?

There is very material difficulty in the amount of money it would cost.

900. Are the lines on a level?

The two lines of railway are on the same level, but the line leading to Charing Cross rises very rapidly. The hospital which was in front of us, and in the direct line where the railway ought to have been constructed, is now taken down, and, of course, in another few months the land will be sold and covered again with buildings, which will eventually have to be re-bought and the line constructed as it ought to have been.

901. Lord *Belper.*] For the purpose of giving a communication to both stations?

Yes. Of course, as it is now, the traffic of one system has every facility, while the traffic of the second has none; whereas for the proper conduct of the traffic both systems ought to have equal facilities.

902. Lord *Redesdale.*] Have you ever contemplated a junction with the Great Eastern Line through the Thames Tunnel?

We have had that subject often before us, and we are perfectly ready to co-operate upon reasonable terms to secure that object.

903. Do you think it would be desirable?

Certainly. I think in that part of London there is a very large passenger traffic which would flow on to our line, provided there were the proper means of communication. At present any one desiring to proceed from that part to our London Bridge Station, has to go a very great distance. Every fresh facility

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always increases traffic. That has been the result of our experience for many years, particularly in a place like London.

904. Lord *Wodehouse.*] I understood you to say that you thought the traffic could better be carried round than through London, but you propose to make a junction at Ludgate-hill with the Metropolitan Railway?

The arrangements with reference to that junction were not made for the purpose of sending traffic through London, but with reference to giving the public, who were desirous of using the Farringdon-street Station, the means of access to all our system. It was not at all intended for through traffic, although it can be used for through traffic. All our through traffic will be sent by Kensington.

905. That is the local traffic?

The through traffic as well. All the traffic which they accumulate at Farringdon-street from the Metropolis, or the Great Northern, would come on our system at once, instead of having to go to London Bridge or Victoria. I think our Company has more metropolitan facilities than any Company in London.

The Witness is directed to withdraw.

ROBERT STANLEY MANSEL, Esquire, is called in, and Examined as follows:

R. S. Mansel, Esq.

906. *Chairman.*] YOU are the Manager of the North London Railway? I am.

907. Will you point out on the map the limits of the North London Railway?

The North London Railway proper commences at Chalk Farm, by a junction with the North Western Railway at Camden, and then proceeds down to Bow, where it joins the Blackwall, and with a further extension to Poplar Docks. It communicates with the Great Eastern line by means of a branch at Stratford, and with the Great Northern and Midland at St. Pancras, which adjoins Camden-road station.

908. Will you state to the Committee what, in your opinion, would be any further requirements of your railway, with regard to communication with other railways?

We are connected at present with all the railways on the northern side of London; and, by means of the West London line, with the railways on the south-western side; but not directly on the south-eastern side.

909. Do you consider the communication which you have at present with the lines north of the Thames, all that you would desire to have, or would any further extensions be requisite to make the system more perfect?

The North London line proper is a metropolitan line, that is, an omnibus line of itself, so that our particular interests are rather connected with an extension of the metropolitan system. We are also made use of by the larger Companies as a connecting link between their systems. I think, as far as the North Western is concerned, that we have all that is necessary. The Great Western, also, have powers which would enable them to join us, if they thought fit. We have a junction with the Great Northern, and also with the Great Eastern. During this Session of Parliament, there was a line projected by the Great Eastern which would have brought them more directly into connexion with us from Edmonton across to Kingsland, to join our City Extension line. There was also a line projected, which was withdrawn at the request of the Great Northern Company and ourselves as premature, which brought their line across to Kingsland, from the point where the Edgware and Highgate line turns off.

910. Do you think your communication with the Great Eastern at present perfectly satisfactory?

For all present traffic purposes it is satisfactory to both Railways.

911. What do you think are the most desirable means of communicating with the South Eastern Railways?

There

There have been three projects that I have seen for connecting the railways north of London with those south-east; but I cannot say that I am prepared to give the details of any one of them. The first one proposed an extension of the Blackwall Line to Cannon-street, looking upon Cannon-street as a kind of outpost of the railways south of London. There was also a project for making use of the Thames Tunnel, and to get across in that way. The third plan was for bringing a line across from Liverpool-street (which will be the terminus of our Extension Line) to Cannon-street.

912. Which, in your opinion, would have been the best line of the three, if you had formed one?

I have not had the opportunity of going into the matter very deeply as regards the questions of level or cost. But looking at the fact that all the railways at present are connected with the North London, I should say that the Liverpool-street Extension would be the most direct of any of them.

913. With regard to your traffic, you have stated that it is chiefly an omnibus traffic.

Chiefly.

914. But do not some of the great railways run their traffic over your line?

They do.

915. Can you state to the Committee what is the character of that traffic?

The character of that traffic is entirely goods or minerals at present.

916. And not passenger traffic at all?

No. The North Western are making a terminus in Liverpool-street adjoining our own station there, and when that is completed it is intended to run passenger trains into the City.

917. Earl *Grey*.] From Euston-square?

No, they run off from Willesden Junction over the North London Line. We have also power to widen the line and make a third line the whole length of the North London for the purpose of accommodating the traffic.

918. Lord *Redesdale*.] The City branch is not completed yet?

It is in course of construction now.

919. *Chairman*.] Supposing a line through the metropolis were decided on, is it your opinion that there would be any difficulty on the part of the existing Companies to come to any general arrangement with regard to the use of it?

I do not see that there should be any insuperable difficulty; but that is rather a difficult question to answer.

920. Duke of *Buckingham and Chandos*.] You work, as part of the North London system, the Hampstead Junction?

We do.

921. Therefore, for all purposes of passenger traffic it is practically included in your line, is it not?

It may be considered that the North London system practically extends down to Kew and the junction with the South Western Line.

922. You have described it as beginning at Camden. Will you explain what other lines are included in that system?

We also work for the North Western Company, the Hampstead Junction line, which runs from Camden-road down to Willesden, where it makes a junction with the main line of the North Western. We also work the North and South Western Junction Railway, which runs from Willesden down to Kew, and there forms a junction with the South Western Railway. We also join the West London at Willesden.

923. Lord *Redesdale*.] Are you going to have a very large station in Liverpool-street?

We shall have a large station, but not large as compared with those of some of the great Companies.

924. How many lines is the City branch to have?

The City branch will have three to commence with. I mean of course three

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main lines, not speaking of what there will be within the limits of the station.

925. You have declared yourselves unable to accommodate the Great Eastern Cambridge traffic on those lines, have you not?

Not on the lines, but in the station. Last year the Great Eastern Company, then the Eastern Counties, applied for running powers into the Liverpool-street Station. That was objected to by the North London, on the ground that we could not accommodate their traffic in the City consistently with our own omnibus traffic.

926. But if they were to form a station of their own at that point, would your lines be able to accommodate their traffic?

They promoted a Bill, which has been thrown out during the present Session, by which it was proposed that they should form two additional lines alongside of us, which would then give five lines of railway the whole length. They then went into Finsbury, but could not get over the objection as regards the City.

927. Could they not make a station between your station and Bishopsgate-street?

I think there would be great difficulty in doing that at Liverpool-street. It is not the point that they want to go to, and the land there is very expensive.

928. Land everywhere in the City is very expensive, is it not?

It is particularly expensive land.

929. Duke of *Buckingham and Chandos.*] Where did they propose to join your line?

They proposed to join at Kingsland. We promoted a line during the present Session from Kingsland to Tottenham, being a local line, intending to bring in the Tottenham and Stamford Hill traffic, the omnibus traffic, and to form a junction with the Great Eastern. By referring to the plan, it will be seen that it cuts very nearly a straight line across there. The Great Eastern wishing to bring their own line down there, requested us to withdraw the Bill, so as to bring forward their own project to Finsbury.

930. Can you say whether there is a large traffic interchanged across the North and South Western Junction between the lines north of the Thames and those south of the Thames?

There is a considerable traffic in minerals and goods.

931. Do you work passengers to Kew that way?

We work passengers to Kew and Richmond over the South Western.

The Witness is directed to withdraw.

JOHN FOWLER, Esquire, is called in, and Examined as follows:

John Fowler, Esq.

932. *Chairman.*] YOU are the Engineer of the Metropolitan Railway?

Yes.

933. You have consequently probably considered a great deal the whole subject of metropolitan railway communication?

Yes, for many years.

934. Have you any objection to state what is the result that you have arrived at, as to the best means of communicating between the different railways which have their termini in the metropolis?

Not in the least. I should say in the first place with respect to that question, that it is quite impossible, in my opinion, to decide upon any final or complete measure, and quite impossible to know what may ultimately be necessary. We can only proceed by steps, and if those steps which experience enables us to take from time to time are safe steps, it is less material than that those steps should be more or less rapid. We have had a great deal of experience since the Committee sat in 1855 upon metropolitan communications. At that time

time a good deal of evidence was taken. Among others I expressed my opinion. The works of the Metropolitan Railway had just been commenced, but were not much advanced. To the extent to which my opinion led me then to consider the question of metropolitan communication, I have seen nothing to change, but the experience since that time has enabled us to advance much further than we could then safely see what might be done.

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935. Will you state to the Committee the general nature of your experience?

In the first place, I then stated, and now state, that I think it necessary there should be a communication from the west to the east; that if so, by means of a metropolitan railway, a communication might be made between the Great Eastern in the east, and the Great Western in the west; and that that should be done in consequence of the experience we have had this year, and the feeling we know exists with regard to Finsbury Circus, without desiring to take any part of that Circus. That is a problem which must be solved, and I think will be solved during the next Session of Parliament.

935*. The Deputy Chairman of your Company has already stated in evidence what that line was proposed to be?

Mr. Bidder and I are now in communication upon that subject; and I think the Committee may assume that there will be a scheme promoted so as to meet the objections which exist with regard to a certain part of it. The communication which I have recommended is from north to south by means of the Fleet Valley, that is to say, an extension of the Metropolitan Railway is now sanctioned, and is completely carried out, except the short piece from Farringdon-street to the side of the river. The communication from north to south is for the accommodation of the North Western and Great Western Railways in the north, and the South Western, Brighton, and other railways in the south. That has been completed by means of the West London Extension. That gives a communication complete from north to south; but a question which it seems to me now most important to consider, is what may be termed the Metropolitan Railway, and the means of collecting and distributing the passengers by the different railways. In the first place, I would say that experience has shown us that you cannot concentrate traffic at any point in a railway station in London beyond a certain degree. We have reached that degree in London. The concentration already is as much as can be accomplished, and in fact it occasions great inconvenience by the crowding of the streets. We have got to the limit of concentration, and what we now require is distribution a great deal more than concentration. I think the Metropolitan Railway and certain extensions of it may be made of great value and convenience to the public as the means of collecting and distributing the traffic. The working of that line has shown that the local traffic on it is very considerable. That would be inconsistent with its being used largely for the purposes of the long lines; at all events, for many of the long lines coming on at the end of it. But as its local traffic is so large, I think, with its numerous stations, it might be made useful and of great value for collecting and distributing the traffic, and for the purpose of relieving the streets, especially from the west to the east. Our experience of the Metropolitan Line at present is, that it has relieved the streets very greatly, although the terminus at Farringdon-street is a temporary and inconvenient one. That will be remedied by the works now in progress, extending it to Moorgate-street. When the line is extended to Moorgate-street a great number of omnibuses plying to Farringdon-street for the convenience of passengers using the Metropolitan Railway will be dispensed with, because they will be carried on to their destination at once by the line. I think that system may be extended with great advantage, and that passengers from the different railways may avail themselves of it without an absolute junction. As a distributing and collecting line for all the railways the Metropolitan Line will be of the greatest possible value. At the same time it will answer the purpose of relieving the streets, and conveying the passengers from the centre of the City of London to the different distant localities, and especially to the west, which is the direction of the great traffic.

936. The evidence we have already heard is to the effect, that the Metropolitan Railway at present, while it gives great accommodation to omnibus passengers, is not of much use in forwarding through passengers to any railway in communication with it?

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It is not useful only because it is not used. The Great Western Company have at present no plant with which to convey their suburban or long traffic along the Metropolitan Railway.

937. You consider that there is no other difficulty in the way?

None whatever. The traffic carried upon the line is at the present moment far short of its capabilities. We shall be able to admit at King's Cross a very considerable traffic from the Great Northern Railway without difficulty. We have provided ourselves with powers at King's Cross and Farringdon-street of laying down four lines, that is not necessarily to make a junction between the Metropolitan and Great Northern, but to convey the through traffic upon two separate lines without making a communication with the Metropolitan, but carrying them alongside it. Certainly the traffic of the Metropolitan might be increased threefold without difficulty. How much beyond that I do not know.

938. On the proposed two lines?

Certainly. A very large quantity of long traffic may be interposed on that line with the existing local traffic, and the local traffic might also be very considerably increased.

939. You have stated that you would propose to make a junction with the Great Eastern, but I think you have not stated how you would propose to make a junction with the lines south of the Thames?

The lines south of the Thames are already joined by the Metropolitan Railway at two points by legislative sanction, one crossing near Blackfriars Bridge and joining the Metropolitan at Farringdon-street, and the other by means of the West London Extension and the Hammersmith line on the Great Western; so that there are two junctions for lines south of the river with the Metropolitan Railway.

940. Do you consider that those two lines give all the accommodation that is required?

For through communication, undoubtedly not. I think the Metropolitan Railway may be extended westward, and continued back again into the City, so as to form a circular line in a way that would be very advantageous to all the railways converging into London. That is a matter that of course requires, in its details, a very great deal of careful consideration. Experience has taught me that these things do require a very great deal of careful consideration. I am not now prepared with any definite plan; but I am quite satisfied that there is no obstacle to it. I am quite sure, from the experience that we have already had, that it would be a great public advantage.

941. The evidence you have hitherto given has been with regard to affording means of communication between the different railways; have you formed any opinion upon the subject of the means of relieving the streets from the great traffic which now exists upon them?

I think the Metropolitan Railway further extended may be made available for that purpose. I think it would answer the objects fully, and, as far as I can see at present, finally. I am always very careful in expressing an opinion upon new wants which arise, because that which seems to be final one day is not final in ten years. The great streams of traffic are from the Paddington district down the New-road to the east, from Oxford-street to the east, and from Piccadilly to the east. Those are the great streams of traffic, from east to west, and west to east. The north and south streams of traffic are very small, as compared with the east and west. I think if the Metropolitan Railway, which has an inner circle of communication completed between King's Cross and Paddington, in its traverse westward were extended as far as Notting-hill, and then turned round Kensington-gardens and continued back again, so as to form a junction near the Fleet Valley, that it would form a complete communication. The Committee will not understand this as a definite plan, but merely for the purpose of illustrating what I mean. It will be objectionable to cross either Hyde-park or Kensington-gardens; and therefore I propose that the line should be extended westwards round Notting-hill, and then round by Kensington-gardens. Then I would suggest a new street, widening Park-lane and bringing South Audley-street into it, and so making a new wide street into Holborn, and so on to Bloomsbury-square.

942. Earl

942. Earl *Grey.*] Then, what you propose is a railway underneath, and the street above?
Yes.

943. *Chairman.*] Have you been able to form any approximate idea as to the cost of that?
No; but I believe the expense, as far as I can at present form an opinion, would not be more per mile than the traffic, judging from the experience that we have had of the Metropolitan Railway, would give a return far more than sufficient to pay the capital to be raised; the question of a street with a railway underneath, is one which I have studied very carefully in Paris. I see no great difficulty in combining the opening of a new street with the construction of a railway underneath.

944. Lord *Redesdale.*] Would not the value of house property upon such a line also tend to assist the scheme?
It would diminish the cost very much, for it would give us the frontage of the new street. I have been studying the question very much with regard to the Boulevards of Paris.

945. Have you executed any part of the plan in Paris?
No; it is now under the consideration of the French Government.

946. Would it not affect the comfort of the occupiers of the houses?
Not in the least. The Metropolitan Railway causes no inconvenience of that kind.

947. Has that ever been carried out practically?
In many cases.

948. I presume you contemplate rather a high class of houses?
Certainly.

949. Earl of *Lonsdale.*] Have you ever heard of any instances of a house falling from the railway being underneath?
No. If the tunnels were constructed with a proper strength, and a proper permanent way laid down, I am satisfied it would not affect the foundation of the houses.

950. *Chairman.*] Have any complaints arisen with regard to the Metropolitan line from that cause?
No.

951. Lord *Somerhill.*] Is it not the fact that the Metropolitan Railway runs under very few houses?
I do not know the number. There is not a very considerable number over it, but very near it. If you are in the houses in Park-crescent you will observe less vibration, that is if you observe any, from the railway, than that which is caused from the passing of the traffic in the street. The Metropolitan is directly under the houses in Park-crescent.

952. Lord *Taunton.*] Do you think it would be possible to have first-class houses over a railway, such as you have described?
I can give a perfect answer to that question. The houses which we have rebuilt, in Park-crescent, are first-class houses, at a rent of 300 *l.* or 400 *l.* a year; we have had very numerous applications indeed for them. In fact, so great has been the competition for those houses, that they have not been let in consequence.

953. Earl *Grey.*] In the construction of underground railways, is it not advisable to take down the existing houses, and rebuild them?
Generally. There are certain cases where to interrupt a special trade for a short time occasions very great expense; and then we find it more desirable to keep the houses standing than to take them down. That causes considerable additional expense in the construction of the railway; and it is very seldom worth while to do that; as a rule it is better to take the houses down.

954. Generally, I presume, in rebuilding the houses, you improve them very much?

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The houses are always improved; houses are built now much more substantially than they were 20 years ago.

955. Earl of *Lonsdale.*] Do you not know that railways going near houses cause them to vibrate very much?

I have had no personal experience of the vibration of houses from railways. Of course, many things may be done with regard to important properties in order to diminish even small inconveniences, such as laying down the permanent way with greater care, and always with longitudinal bearings with rails laid continuously, and other precautions which could be adopted.

956. Duke of *Buckingham and Chandos.*] The light trains which you have hitherto run on the Metropolitan Line, would not cause the vibration which has been occasioned on other lines by the passing of heavy goods trains?

The engines on the Metropolitan Railway are very heavy engines.

957. Of what description are they?

Forty-ton tank engines.

958. Without tenders?

Without tenders. The reason that they are so particularly heavy on the Metropolitan Railway is, that they carry water for condensing the steam, which adds eight or ten tons weight to the engine.

959. Lord *Redesdale.*] In the scheme which you have proposed, you offer no suggestion with regard to lines from north to south?

There are two existing communications now from north to south, one of them by the Fleet Valley by means of the West London Extension; I would suggest that the railways which converge at King's Cross, should have, not by means of junctions, but by means of exchange platforms, the power of getting on the Metropolitan, and thereby the traffic be distributed at all the stations with which that railway communicates; I believe that to be the proper way of using the Metropolitan Line in connexion with the existing lines; I do not think it would be possible to have different junctions between these lines and the Metropolitan Railway, except by causing such an interruption of traffic as would not be desirable; I think the Metropolitan Railway can be used by other lines to a very great extent indeed, by having exchange platforms I have described, by means of which passengers may go at once from the other railways on to the Metropolitan Railway, and so be distributed in the different parts of London.

960. Then you are of opinion that the present stations of the Great Western, the North Western, the Great Northern, and the Midland, if this new line be sanctioned, would continue to be the making up stations for the great trains, whatever assistance may be afforded by conveying people to them by other trains?

I think so; a long line requires a great deal of room at the making up station, and a greater space than could be obtained within the circle, for instance, formed by the Metropolitan Railway, shown black and red on that plan.

961. You are not in favour of giving any one of those great lines to the north of the Thames a new station more in the centre of the town?

Except as a subsidiary or collecting station, certainly not. I do not think it would be for the public convenience, and I believe the cost of making anything like a complete station, with all the appliances of a station, would be beyond that which it would be advisable for the companies themselves to entertain. For instance, the North Western at Euston-square, and the Great Northern at King's Cross, have from 10 to 12 acres of station. The ground could not be obtained for such a station within the circle formed by the Metropolitan Railway, except at a sacrifice of from four to five acres of property at the least, and the cost of which property would be, of course, irrespective of the construction of the station or of the line leading to it. Then, again, the stations which terminate on the New-road, namely, the Great Northern at King's Cross, and the North Western at Euston-square, and the proposed station of the Midland, are all on the surface of the ground, which is very important, indeed, for the convenience of the public using a very large station. The moment they leave that point they must go either 20 feet above or 20 feet under the street, which would be a work of very considerable difficulty and inconvenience. The new station which has

has lately been opened on the surface of the ground is the Victoria Station. That was enabled to be carried out in consequence of the previous existence of the canal, to which all the streets on each side have been obliged to adapt themselves by passing over the canal; therefore the Railway Company by availing themselves of the level of the canal were able to continue the streets passing over the railway at their present level, and yet put the station on the surface of the ground. There is an approach to the Victoria Station on the surface of the ground. I draw a great distinction between that and the Waterloo Station, which is the case of a railway above the streets, obviously an inconvenient arrangement, if it could be avoided; therefore, I do not think that any of the lines can be extended further into the middle of London with advantage.

962. Have you ever examined the plan of the railway which was promoted this Session, called the Regent Circus Line?

Yes.

963. Do you think that that line would be at all advantageous?

No doubt the Regent Circus is a central point; but I think the difficulty of reaching the Regent Circus, irrespective of the expense, is so great that it seems to me to present an insurmountable obstacle. The first difficulty is in dealing with the New-road, because the deposited plan shows that the New-road would be required to be raised 11 or 12 feet. That is a proposal which I am quite sure, on full investigation, would never be entertained for a moment. The interference with the streets would be very considerable. When you get to Regent Circus, it seems to me that unless you provide space to enable carriages to come to the station and to get away from the station, that you would create at such a central spot a very serious evil indeed, and a great public inconvenience. I think it is a mistake to attempt to concentrate too much, instead of what seems to me in London the proper thing to do, to distribute.

964. Then you think that more facilities would be afforded for the densely populated part of the Metropolis by improving the streets, rather than by constructing any railway direct north and south?

Direct north and south certainly, except those that are now used for the purpose of communication by means of the Fleet Valley and the West London Extension, from the northern systems to the southern systems.

965. *Chairman.*] Will you give the Committee some information as to the amount of difficulty which you have had to encounter in dealing with the sewers, and the other incumbrances below ground in making the Metroplitan Railway?

The difficulty arose from the level of the railway and the level of the sewer being inconsistent with each other. Sometimes a sewer would cross the level of the railway at such a point that it was necessary to make a considerable change in that sewer, either by diverting it or by passing it underneath the railway. The difficulty was generally surmounted by diverting it alongside the railway, until it came to a level so low that it could be passed under the railway. In other cases a syphon was adopted and made across the railway. Generally in important sewers that was not done. There were certain objections to it, excepting that it was available for flood water only. In ordinary cases, it is better to avoid syphons if possible. In some cases the sewers are passed over the railway, and in numerous cases completely under the railway. As I have stated, the difficulty arose in consequence of the levels of the railway and the sewers being inconsistent with each other.

966. Do you anticipate greater or less difficulty with regard to the sewers, supposing your suggestion to be carried out?

There would be one considerable difficulty, which however could be surmounted by expense. That is with reference to the sewer in Sloane-street. I think the proper way of getting over that difficulty is to construct another sewer of proper dimensions from the river. That I find can be done without difficulty, and the expense would not be such as to interfere with a large work of this kind. That is the only sewer about which there will be any considerable difficulty.

967. Lord *Redesdale.*] Is there not a new main sewer being laid down through Oxford-street and Holborn?

Yes.

 968. Would

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968. Would you not cross that sewer?
It would not be crossed in Holborn.

969. Earl *Grey.*] You will go above that?
Yes, the sewer there is very deep.

970. Lord *Somerhill.*] Do you contemplate the railway being in open cutting to the west of Sloane-street?
The whole of it will be covered, glazed at the stations, and possibly for a short distance at Kensington; these stations which would join the new street, would be stations of the character of Paddington Station.

971. Lord *Redesdale.*] The new street which you propose would pass between the entrances to the stations?

It would; it would correspond, to give an analogous case, to the Baker-street Station or the Gower-street Station of the Metropolitan Railway.

972. Earl *Grey.*] Would you have an entrance on one side of the street for the up-line, and another entrance for the down-line?
Yes.

973. Lord *Wodehouse.*] Would you carry any goods on your proposed metropolitan railway?
I think any metropolitan railway may be made available during certain hours of the night for the conveyance of goods, without any difficulty whatever.

974. Earl *Grey.*] You do not mean any goods like coals?
Whatever was desired to be taken into the centre of the City might be passed along the line during the night, say from 12 o'clock till 5 o'clock in the morning.

975. The conveyance of goods would necessitate considerable additional arrangements at the stations, would it not?
None of the intermediate stations could ever be made available for goods. I am quite sure that it would be a great mistake to attempt it. You cannot make a large metropolitan railway available for goods as well as passengers at intermediate stations.

976. Earl *Grey,*] You would carry parcels?
Certainly; because they require no sidings.

977. *Chairman.*] You do carry passengers' luggage now?
Yes.

978. Lord *Wodehouse.*] In what way would goods pass from the northern systems to the southern systems?
Coals will pass in very large quantities from the Great Northern and Midland systems by the Metropolitan line from King's Cross over the river near Blackfriars Bridge, and be distributed along the south side of the river also by means of the North Western and Great Northern, and possibly from the Midland, by means of the West London Extension, and so be distributed on the various railways on the south side of the Thames. But in the City of London coals would not be carried on the Metropolitan Railway, except for the purpose of being passed on to some point.

979. Duke of *Buckingham and Chandos.*] I gather from your evidence generally, that your opinion is in favour of heavy goods and coals being exchanged by the lines outside the Metropolis?
Yes; because, although there are certain hours of the night in which the Metropolitan Railway could be made available for goods, yet there must be some time for repairs. The whole of the 24 hours could not be occupied by traffic of one kind or another. Although the Metropolitan could be made available for goods, I am of opinion that the lines, in what may be termed the outer circle, are more suited for the goods' traffic than those in the inner circle.

980. Earl *Grey.*] Do you contemplate four lines of rails, or two?
Two lines of rails, except between King's Cross, and down the Fleet valley to the Thames. The reason for having four lines of rails in that portion is, that that would be the point for the reception of the traffic of other railways. I think

think the traffic should be carried on those two lines, instead of putting on the already existing lines.

981. Duke of *Buckingham and Chandos.*] You have power now, have you not, to make those two lines; but you have not yet proceeded with them?

We have not; we have purchased the whole of the property.

982. Would they be made as new lines?

Yes. At one point of the line I have put in a tunnel for four lines, and rails also for the same distance; that was at the crossing of the Fleet sewer. I felt that it would be a very difficult work to do afterwards, and therefore, I put in the work at that point for four lines of rails.

983. Has your attention been at all directed to utilising the Thames Tunnel for railway purposes?

Generally, it has. There are considerable physical difficulties on the north side of the Thames, in consequence of the entrance of the London Docks. That was always felt to be a very considerable difficulty, and then the distance again from the Thames to the Bank, or the junction with the other railways. I think those have been the two principal causes why it has not been adopted up to the present time. On the south side of the Thames there are no difficulties of any kind of an important character.

984. Is the result of your opinion, that it would be an important means of communication, if it could be so utilised?

I think not very important. I have looked at it on several occasions, at different times, and have never yet been able to see that the objects are of sufficient importance to justify the large expense occasioned by the great difficulties which would have to be encountered. The great depth of the tunnel is one serious difficulty.

985. You spoke of a junction of the Great Eastern line with yours, through the proposed Finsbury communication?

Yes.

986. Should you suggest that that would be a means of forwarding their goods traffic to the southern lines?

No, I think not; I think the outer circle, of which the Tottenham and Hampstead is a part, would be a more convenient route to exchange goods traffic.

987. Have you had your attention at all directed to any of the proposed junctions between the North London, City Extension, and the Cannon-street Station?

Yes.

988. The distance does not appear long on the map?

No; but I think whenever that question is carefully considered with a view to its being carried out, the cost of the property being as it is in the very centre of expensive property in the City, and the difficulty of dealing with Cannon-street, will be so great, that it is not likely to be adopted, and especially as a communication from north to south by means of the Fleet valley, is not distant.

989. The Tunnel might give a very good communication, might it not, for the purpose of conveying goods traffic of the Great Eastern to the southern lines?

I think that communication would be available, to some extent, for goods purposes, and especially to such part of the southern lines as lies immediately over the Thames, say Blackfriars Bridge. For the supply of that part of London, the communication, by way of Finsbury and Farringdon-street, would be available. But, generally speaking, wherever there is an interchange of traffic between the systems, not merely for the interchange of traffic within London, the outer circle would be more convenient than the inner circle.

990. That is, the Great Eastern system would pass by the North London and the Hampstead lines, round the western circle?

Yes; or by means of a communication which was sanctioned last year, the Tottenham and Hampstead, or the lines with which it would communicate.

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991. Still through the same system?

Through what may be termed the outer circle. There is a considerable exchange between the Great Eastern and the Great Western systems, not merely in London. It would be clearly better that exchange should take place by the outer circle than the inner circle, which is no convenience whatever, but an obstruction to the existing lines.

992. Viscount *Eversley.*] How do you connect the Fenchurch-street Station on the Blackwall line with what you call the Fleet Valley?

The works come to the surface of the ground near Skinner-street, and from Skinner-street they pass by means of a viaduct over Ludgate-hill.

993. *Chairman.*] Have you considered whether it can be accomplished by a viaduct a little higher up, and so going under Ludgate-hill instead of going over it?

I think that might possibly have been done so originally, although I believe there are considerable difficulties in the way; but as the parties have purchased property to a very large amount, I am afraid it is now too late to re-consider that question.

994. Duke of *Buckingham and Chandos.*] What is your opinion, looking at it as an engineering question simply?

As an engineering question, I think by passing higher up Ludgate-hill it might be done. There is a very great jealousy about approaching near St. Paul's Cathedral. I remember when the question of making the line through Smithfield was before Parliament then evidence was brought to show in some former time there had been a settlement, or a threatened settlement, of some of the foundations of St. Paul's Cathedral, in consequence of the withdrawal of the water from a sand bed there. I know those who have charge of St. Paul's Cathedral have felt great alarm at any railway, or any work which proposed to cut into the ground near St. Paul's Cathedral. Whether it would be necessary in order to pass under Ludgate-hill to get sufficiently near St. Paul's Cathedral as to justify the apprehensions of those who have charge of it I really do not know.

995. Lord *Somerhill.*] You have stated that you think the Metropolitan Railway can be made available extensively for the delivery of parcels?

Certainly.

996. It has been stated in evidence that a very short time indeed is allowed for the passenger trains to stop at some of your stations; do you not think that undertaking to deliver parcels would necessitate a longer stoppage at those stations?

Certainly not; but porters would be specially appropriated to deal with parcels; and the parcels would be withdrawn from the vans in a shorter time than the passengers can get out of and into the carriages.

997. They could be sorted so as to be ready at each station, could they not?

It must be made up into parcels in such a way as to be at once put into the van and taken out. It would be a mere matter of arrangement.

998. How would you propose to effect the distribution of the parcels; would you have carts, or do you propose that persons should come to your office for their parcels?

Carts, certainly. It would be a very imperfect organization which did not include the collection and delivery of the parcels. I think it might probably be done in connection with the Parcels Delivery Company, or somebody of that kind who have the means of collecting and distributing the parcels.

999. Lord *Wodehouse.*] How do you propose that the heavy goods for delivery in London should be distributed; should they be distributed as they now are by means of carriers from the different great railway stations, or could the Metropolitan Railway assist in the distribution?

No; except so far as the conveyance of the Great Western goods during the night on the Metropolitan Railway to some goods station near the centre of London, from which goods station goods would be delivered; but the Metropolitan could not be available for passing goods along it.

1000. Then you do not think that there would be any great relief given to the streets with regard to heavy goods by means of the Metropolitan Railway?

I think

I think there would be no difficulty in passing a large proportion of the goods traffic of the Great Western and the Great Northern along the Metropolitan Railway.

1001. Duke of *Buckingham and Chandos.*] I gather from what you state that those goods would have to be passed at different hours in the night?

Chiefly during the night. The passenger trains between six o'clock and nine in the morning are less than after nine. There might probably be a few trains pass during those hours, but generally speaking it must be between 12 o'clock at night and six o'clock in the morning.

1002. Therefore, with regard to goods which did not arrive in London before six o'clock at the main station, no reliance could be placed on the Metropolitan as being able to afford them any facility?

No; all goods traffic is conducted during the night. As the railways become crowded with passenger traffic they are obliged to use the night for the purpose of their goods. The North Western Railway forward their traffic during the night; and it has been the same with the Great Northern Railway since their traffic increased. It must always be so on all lines which are crowded with passenger traffic.

1003. I believe that the principal goods from the North of England arrive between 12 o'clock at night and 6 in the morning?

Yes.

1004. Lord *Wodehouse.*] Would there not be some difficulty in providing a station sufficiently large to receive these goods conveniently?

As a rule, yes. The only proposal for an underground goods station is at Smithfield, under the market. At that place a very large market is proposed to be erected, and the basement is to be used as a goods station for the Great Western.

1005. Lord *Lyveden.*] It was stated by the Vice-Chairman of your line, that in case of the pressure of additional traffic, you might construct fresh tunnels; have you the power to do that under your present Act, or must you obtain a fresh Act of Parliament for that purpose?

Between King's Cross and Farringdon-street we have power to construct two more lines of Railway, partly in open cutting and partly in tunnel, but we have no power to widen any other part of the line.

1006. Have you acquired property in that part?

We have acquired by far the greater part of the property. I do not think that generally it would be advisable to lay down more than two lines of rails as a rule. In certain exceptional cases, such as King's Cross and Farringdon-street, where you have a new stream of traffic coming to you, it may be necessary to lay down additional lines; but I do not think it advisable to lay down more than two lines of rails. If the traffic increases to a great extent, I think it better that it should be taken along a new route, because, although in some places there is no difficulty in having two lines of rails, in many cases there would be great difficulty in having four. For instance, there are two lines of rails along the New-road; but if you attempted to widen it, and have four lines of rails, you would have to take the property on each side.

1007. Earl *Grey.*] I understood you to say that if this large scheme which you have suggested were carried into effect, you would contemplate having trains calling at all the stations, and carrying passengers, with their luggage, to the great stations of the long lines?

Yes, and practically it touches all the lines, both north and south.

1008. Duke of *Buckingham and Chandos.*] It does not touch Victoria?

No, but it touches at Kensington. All the southern Railways have power to work over this extension; the Brighton and the South Western, as well as the North Western and the Great Western, could all join this Railway, and would join it. Therefore, practically, all the Railways, north and south, would have a communication with that Railway.

1009. Earl *Grey.*] At all events, you would run trains in communication with the fast trains of the Great Western, the North Western, and the Midland?

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Instead of connecting with them, I would rather meet it in this way: there are a large number of trains running on the Metropolitan, that is to say, every five or ten minutes, with convenience and regularity. Passengers arriving from the long Railways would not avail themselves of the local trains.

1010. If you carried passengers with their luggage for long journies, would you not be compelled to allow a little more time at your stations than you do at present?

Certainly; the time occupied at the stations at present is adapted to the present state of things. Passengers who have to travel from Paddington like to make their journey in as short a time as possible, and it would, therefore, be inconvenient to them to stop at all the intermediate stations. It is desirable that the time occupied at the intermediate stations should be as little as possible. For the purpose of exchange, it would be necessary to stop three or four times; the time that we now stop at each station is very slight. That objection will only apply to the station at which the exchange will take place, the other stations would remain as at present. All the time that is necessary for the purpose would be given in the same way as is done at Swindon, which is an exchange station, and again at Didcot, which is another exchange station. There are certain instances where passengers get out of one train, pass over a platform, and get into another.

1011. Those of your trains which would be convenient to persons going by the long lines would not stop at each intermediate station?

Not at the intermediate stations; they would stop at the exchange stations.

1012. Would you deal with the passengers going by the long trains in a different way to the local passengers?

They would only be treated in the ordinary manner.

1013. They would have more luggage than ordinary passengers?

Yes; and the way that would be dealt with would be by having an extra number of porters. I do not think, with a sufficient number of porters, that the time of stopping at the intermediate stations would be increased, but at the exchange stations the time would undoubtedly be increased.

1014. *Chairman.*] Have you any other information to give which you think might be useful to this inquiry?

I would merely repeat what I commenced with, that my experience certainly goes very strongly in the direction of avoiding too great a concentration of traffic, and the necessity of providing for the distribution and collection of it as much as possible. I think it important for the public using the railway, as well as the public using the streets of London, to bear in mind this fact which experience has given us.

1015. Earl *Grey.*] In constructing this new street you would have to take down a great number of houses, would they be good or inferior houses?

Not a great many good houses.

1016. Duke of *Buckingham and Chandos.*] I did not quite understand what you said about the streams of traffic from the north and south being so very small, because looking at what occurs constantly in Park-lane, the traffic between north and south passing northwards is very considerable?

Yes, and it has greatly increased since the opening of the Victoria Station; the traffic from Paddington, for instance, to the Victoria Station is now very considerable.

1017. How would your scheme relieve that traffic?

A good many of the passengers would be taken at once to their destination by railway.

1018. Earl *Grey.*] Passengers would rather go three or four miles by railway than by cab?

Yes, railway carriages are very comfortable, and the time occupied is very short.

1019. Do you contemplate the working of this line, if made, by locomotive engines?

Yes,

Yes, with such improvements as the experience we have had on the Metropolitan Railway would enable us to apply to our new engines. *John Fowler, Esq.* 8th May 1863.

1020. I presume, in building you might have additional means for ventilating the railway in various places?

Yes, in the new street we could do many things which are not available to us in the existing streets.

Ordered, that the Committee be adjourned to Tuesday next, at Two o'clock.

Die Martis, 12° *Maii* 1863.

LORDS PRESENT:

The LORD PRESIDENT.	Lord REDESDALE.
Earl GREY.	Lord COLCHESTER.
Earl of LONSDALE.	Lord BELPER.
Viscount EVERSLEY.	Lord LYVEDEN.
Lord WODEHOUSE.	

THE LORD PRESIDENT in the Chair.

Evidence on Metropolitan Railway Communication.

J. Thwaites, Esq.

12th May 1863.

JOHN THWAITES, Esquire, is called in, and examined as follows:

1021. *Chairman.*] WHAT position do you hold?
I am Chairman of the Metropolitan Board of Works.

1022. In that capacity, has your attention been called to the subject into which this Committee is inquiring, namely, as to the best way of providing railway accommodation through the Metropolis without injuring local arrangements?
It has, more especially within the last few months. Prior to that, the Metropolitan Board of Works had no jurisdiction, nor were we able to obtain a *locus standi* before any Committee of the House, except upon clauses having for their object the protection of our works; but the House of Commons have altered their Standing Orders, so as to give us a right to appear on public questions.

1023. In the House of Lords no alteration has been made with regard to your position as to having a *locus standi* before Committees?
No alteration in the Standing Orders has yet been made.

1024. What are your views generally upon the subject of what restrictions ought to be imposed with regard to railways coming within the centre of the Metropolis?
Does the question refer to the several schemes which are before Parliament in the present Session, or to the general principle?

1025. I do not wish you to state any opinion with regard to any particular Bill which is now pending before the Committees, but with regard to what general principle should be applied as to the authorisation of railways, either for the purpose of supplying omnibus traffic, or for the purpose of communication between the different railways?
I think as a principle, it would be a great evil in the Metropolis if railways were established for the purpose of competing with omnibuses. There ought to be a general principle laid down, by which the main trunk lines should have intercommunication, but any attempt, as shown by Bills before the House, simply to provide for the internal traffic of the Metropolis, in other words, to substitute them for the present means of conveyance on the surface, I think would be injurious. Any system of underground railways, except under special circumstances, where the levels and the property affected, would be such as to render it necessary, I think is objectionable, as far as they interfere with that extraordinary network of sewerage which now exists, which is daily being multiplied, and which in a sanitary point of view, and every other respect, is of the first import-

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ance to the Metropolis. If the underground railways were multiplied, they would so interfere with that system of drainage, that it would be utterly impossible to perfect it; of course we find difficulties which Railway Companies do not; they are able either to carry their lines underground, or to carry them upon viaducts. We have no such latitude; we are bound by levels, because we can only carry a sewer where, by the laws of gravitation, the sewage can be carried off. We are even more restricted than the Water Companies; they are in many cases able to use a syphon. With regard to their works, it is simply a question of head pressure, in order to convey the water from one point to another. We are unable to use a syphon, in consequence of the deposit which takes place, and which would injure the general working of the scheme. Therefore, no system of railways could advantageously be adopted in the Metropolis that would interfere with its drainage.

1026. With regard to the railways which in a certain degree may be considered as a substitute for omnibus traffic, evidence has been given to this Committee respecting the Metropolitan Railway, which shows that that railway, from causes which have been differently stated, is now almost exclusively employed in carrying what may be considered an omnibus traffic; and it also appears that very large numbers are weekly carried in that way; does not that show that there is a demand on the part of the public that it affords a great convenience to them if they are so supplied?

According to my observation the habits of the people are very much changing; the habit of walking is becoming less the rule; and the habit of riding less the exception. We find that parties instead of walking ride to the railway stations for the purpose of travelling by the line, and the greater the facility of conveyance the more you educate people in the habit of riding instead of walking. I think the streets crossed by the underground railways are not thoroughfares that are overcrowded, or from which the public have experienced any great inconvenience. The crowding of traffic has been more in the centre of the Metropolis during certain hours of the day. For example, in the City, at Cheapside, Ludgate-hill, the Strand, and places contiguous to the banks, those are the streets where the great pressure is felt. A Bill is now before Parliament for the purpose of authorising the Metropolitan Board of Works to construct a street from Blackfriars Bridge to the Mansion House, in continuation of the embankment on the north side, which will give a through communication from the Houses of Parliament to the Mansion House, and relieve that pressure.

1027. In the construction of large streets opening out communications from one important part of the town to another, have you ever considered the question of connecting them with an underground railway, and so diminishing the expense of both, and the traffic upon the road?

My attention has been called to the possibility of combining a railway with the Thames Embankment, which we are now about to form, and to connect that with Victoria Station by an overground line along Victoria-street, cutting the embankment obliquely to Blackfriars Bridge, and ultimately forming a connexion with the central termini. But the question as to levels is a very important one. Upon that point I am not yet satisfied whether there would not be a dip beyond the possibility of construction, because the level of the Victoria-street station, and that of the embankment vary so much that a gradient which Parliament would never sanction would be required.

1028. Which is the highest?
Victoria-street considerably.

1029. Lord *Belper*.] The railway would be below the road?
It is proposed that it should be under the road.

1030. *Chairman*.] Without going into any engineering details which might prove fatal to any such scheme, I suppose there are certain advantages in connexion with the railway and the road which might counterbalance any inconvenience which might be caused to any houses under which that railway might pass, and which probably would take the most direct means of communicating with the two points to which it might be wished to go?

Our street improvement generally has been confined more to the centre. We have

have not yet had our attention directed to the other parts of the Metropolis through which the underground railway passes.

1031. Have you communicated with any of the engineers who have taken a leading part in this matter, such as Mr. Fowler, and others, as to the difficulty of dealing with your system of sewerage?

We have had no formal communication with those gentlemen. I have on many occasions, prior to the altered condition of things to which I have referred, had conversations with them.

1032. It has been given in evidence before this Committee, that in almost all these cases, although there are difficulties in the matter, it is a question of expense to the railway company, and that the rails might always be so diverted for a short distance as not to impede their flow, or their utility for the objects for which they are intended?

I think in many cases there would be a physical difficulty which could not be overcome by any amount of expenditure; as I stated before in the case of water, you might by a head drive it through a syphon, and thus get over the difficulty by depressing the pipes or making any other arrangement. That is not so with the sewage, because those syphons are liable to become filled with deposit. Mr. Bazalgette, the engineer to the Metropolitan Board of Works, is in Paris at the present time, but he will be able to attend the Committee next week, and there are many engineering points which he is better able to speak to than myself.

1033. Is it your opinion that it is desirable to have a central station in London for a large number of railways?

I think that would be a great evil, and it would not afford that amount of accommodation which it would appear to do at first sight, because most persons travelling by railway are obliged to take a cab even for a short distance, and the question of half a mile or a mile is a matter of very little importance; whereas if a number of lines are brought into a central position, such as the City, for example, and discharge an enormous traffic into the now already overcrowded streets, I think the evil which would be occasioned would be more than the advantage which would be gained.

1034. I gather from a previous answer that you are of opinion that it would be right to afford the different leading railways some means of communication among themselves through the Metropolis?

I think what may be called the through lines, that is, the main lines, such as the Great Western, the Great Northern and the North Western, and the Southern lines, should certainly have a connexion. The advantage of that would be obvious. A large amount of goods traffic would be carried through the Metropolis, and the streets would be thus relieved of a great many vans and other vehicles, which now obstruct them.

1035. Have you any opinion as to the best mode of attaining that object?

Of course that must have regard to the existing state of things. If 10 years ago that question had been put, the answer would have varied. Now, many schemes have been sanctioned, regardless of the desirability of having one comprehensive system of railways within the Metropolis. The southern lines being, or will shortly be, connected with the northern lines near Blackfriars Bridge, and with the main lines in Farringdon-street.

1036. Not with the Great Eastern?

Not with the Great Eastern. I fear there will be some difficulty in bringing the Great Eastern nearer to London Bridge, it will so interfere with valuable property and with the streets.

1037. Have you formed any opinion as to the desirability of using the Thames Tunnel as a means of communication between the northern and southern lines?

I think that will be a most desirable project if the levels will permit of their getting in and out. Nothing could be more advantageous than using that tunnel for railway purposes, because it is quite clear that no bridge can be erected below London Bridge.

1038. Earl *Grey*.] How far is it from the Victoria-street Station, following the line of the embankment and the proposed new street, to the Mansion House?

About three miles.

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1039. Would the difference of level between the Victoria Station and any underground line that might be made to that point be of any consequence if there was nothing attempted beyond what is called an exchange station between the two lines?

The advantage of the line, of course, would be that it should be continuous, and not interrupted by any break of level.

1040. It has been stated in evidence before this Committee that the great advantage arises from a communication between what are called exchange stations, where passengers get out and have to rise up or descend another level on to another line?

That I am not able to speak to; but I think half the advantage which is professed to be gained by the establishment of these metropolitan railways, as a communication with the main lines, would certainly be lost, unless the carriages could pass through.

1041. But if the carriages passed through, would it be possible to prevent a great accumulation of passengers and goods at points in the centre of the town; would not people attempt to get on to main lines at the points which are most in the centre of London?

Traffic would naturally be distributed, and not always come down to one point.

1042. Lord *Redesdale*.] Have you turned your attention at all to the proposed crossing of Ludgate-hill?

I have.

1043. Do you consider that the manner in which it is now proposed to be crossed is objectionable?

Exceedingly objectionable.

1044. In what way do you think it could be improved?

Probably, by taking a higher point, the railway might be got under the street instead of over it.

1045. Have you seen any plan or had any survey from which you are able to say that such a thing is possible?

I think our engineer is now looking into that question, and will be able to give the Committee information as to the level. I think the present system of crossing our streets by box girders is exceedingly objectionable; for example, cutting off the approach to London Bridge on the south side. Prior to the passing of the railway across that approach it was free, and there was certainly a very splendid approach to London Bridge. Now, it is entirely cut off by the girder which has been thrown across.

1046. The place where they propose to cross Ludgate-hill is very little removed from Fleet-street?

I think it is very near the bottom of Ludgate-hill, within a few houses.

1047. Have you seen the plans of the Ludgate Station line?

I have not.

1048. Do you think there will be any possibility of carrying the line under the roadway at Ludgate-hill by raising the roadway of Ludgate-hill itself at the bottom?

That would be a very expensive process, because you would bury a large number of houses right and left.

1049. Are not all the houses nearly up to the line of the Old Bailey to be taken by the Railway Company for their extension purposes?

I think not.

1050. Would not the rising of the ground at the bottom of Ludgate-hill and the whole of the street from there facilitate the approach to Blackfriars Bridge?

I think not, unless it was continued to the foot of the bridge.

1051. There is a fall in Fleet-street down to Farringdon-street, is there not?

There is a considerable fall.

1052. There would be the means of contemplating any great work in that direction,

direction, and of making a very considerable improvement in Ludgate-hill by raising the whole of those roads at that place?

There would be an improvement not only of Ludgate-hill but of Fleet-street also. I believe there is a gradient of 1 in 26, if I remember rightly. By raising Farringdon-street and Bridge-street up to the level, no doubt the gradient of both Ludgate-hill and Fleet-street would be much improved.

1053. You think it is desirable that there should be a connection between the London, Chatham and Dover Railway and the Metropolitan Railway at that point?

I think it would be desirable that the Southern and Northern Railways should have a connection. I think that is a great advantage, because, otherwise, goods must pass by means of carts and vans from one to the other.

1054. You are of opinion that there is no place in which that connection can, on the whole, be more advantageously made than at that point?

Not having regard to the plans already sanctioned by Parliament; but the raising of those streets would be a very expensive work. All the parties would have to be compensated to the extent of the raising of the road, as it would bury the houses. There is very valuable property there.

1055. *Chairman.*] Is there any other point upon which you can give the Committee information which would be useful with regard to the reference that has been made?

It is very difficult to lay down any general plan for metropolitan railways which would be influential beyond the Session in which it was reported. We find that the influence of the Reports of most of the Committees is gradually lost, and the same schemes are again brought before Parliament and sanctioned. After all, perhaps, Parliament is the best judge of the merits of any scheme that may be proposed; but there are public questions which should be examined by some body having control over, and representing the Metropolis. I would suggest that the Standing Orders should be so altered as to make the promoters deposit their plans and bills with the Metropolitan Board of Works, as well as with the clerks of the peace as they are now directed by the Standing Orders to do, on or before the 30th of November. That is the more necessary if the Metropolitan Board of Works are to exercise any judgment upon these plans, either as to the individual merits of the plans, or as to how they may harmonise with the existing lines of communication, and the least interfere with the convenience of the Metropolis. The Metropolitan Board of Works ought to have those plans deposited with them not later than the 30th of November. At present we have no means of getting the plans except by the courtesy of the engineers of the several schemes which may be proposed to Parliament.

1056. You have access to the plans which are deposited with the clerks of the peace?

We can of course get them by means of making tracings, but that is a work of great labour and considerable expense; whereas, while they are making their deposits, it would only be requisite to strike off an additional copy. If a copy were deposited with us, it would enable us to give time to consider the general plans. At present, we have probably not more than three weeks before the commencement of the Session to judge of these plans, in order to see how they may affect the streets. It is very desirable to frame the allegations of your petitions against the plans very carefully. It would also be desirable that a copy of the Bill should be deposited with the Board as is required by the Standing Orders in the case of the Board of Trade before the 23d of December, so that we might know the provisions, and be able to judge of the general scope of the scheme; and that in all cases of railways crossing the streets or public roads within the jurisdiction of the Board, we should have the plans and elevations of the bridges deposited with us. We find it very difficult now to judge of the kind of bridge the parties propose to construct, judging from the mere sections; we do not know whether they propose to pass an important street by a graceful curve, or whether they propose to erect those hideous girders which we now find everywhere crossing our streets. We do not know the span, nor do we know the headway they propose to give. Many of the schemes now before Parliament are perfectly silent upon those very important points.

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1057. You consider the present requirements of the Railway Clauses Act insufficient for your purpose?

We do, for the streets of the Metropolis. Take, for example, Wellington-street. The bridge across Wellington-street is of an insufficient height for the existing traffic. There is a great deal of hop traffic; the waggons are loaded with hops to a very great height, and certainly that arch is unequal to the passage of one of those waggons.

1058. Lord *Redesdale.*] At the same time, in all these matters, you are aware that the level of the railway must, to a certain degree, govern the Act?

Yes; but we find by experience that railway engineers are in the habit of depressing the road, in order to accommodate their level to the line of the lower road, and to make a most inconvenient dip for the traffic generally, and altogether most objectionable in one of our metropolitan thoroughfares. That might be bearable in a country district, but is most disadvantageous in the Metropolis. In many cases, they depress the road something like four or six feet, going into a hollow, and coming up again. We should, therefore, have a statement of that fact upon the plans, so that we might detect it.

1059. *Chairman.*] Then what you wish with regard to the metropolitan railways is, that the plans of the railways should be deposited in your office, and also the plans and elevations of the bridges and viaducts connected with the railways?

The plans and elevations, showing by figures the span and the headway, so that we may be able to judge of their propriety. I would also propose that the Metropolitan Board of Works report to Parliament in the same manner as the Board of Trade now does, in order that Parliament might have the objections before them, both on the part of the Board of Trade and the Metropolitan Board of Works. We have the means of judging of the effect of these schemes, not only with regard to the general sewage of the Metropolis, but other matters of that kind, probably more in detail than the Board of Trade have been accustomed to report.

1060. Do you, as a Board, go to much expense in Parliamentary opposition?

We have this Session, since the Standing Orders of the House of Commons have been altered, appeared against a number of Bills. But although those Standing Orders have been altered, as we apprehended, to admit the Metropolitan Board of Works upon all questions, we had great difficulty in sustaining our *locus standi* before the Committee upon the Leicester-square Market Bill. Counsel of course will take every objection, and tie you within the four corners of your allegations; but it was mainly through the influence of the Board that the Bill was thrown out. In that case certain petitions were presented to the House in favour of the measure. We immediately instituted a strict inquiry as to the correctness of the representations made; and, instead of the inhabitants generally being in favour of that scheme, as was represented, we found, on the contrary, that a large majority were decidedly opposed to it. Those facts could only be brought out by a body having a direct interest on behalf of the public. There it was a question of a market occupying an open space such as it is the duty of our Board to protect as well as to create, whenever they can.

1061. Is there any other point to which you wish to call the attention of the Committee?

I think those are the main suggestions, which if carried out would put the Board in a position to exercise a judgment which would be respected by Parliament. They ought to have the materials in sufficient time to enable them to form that judgment. I think there should be no question as to their *locus standi* before any Committees, either of the House of Lords or of the House of Commons, to appear upon any of those matters. Probably it would be difficult to dispense with the necessity of presenting petitions, and framing general allegations against the Bill. That, I need not say, adds to the expense of the Board in defending the public roads against parties who are promoting those several schemes for a commercial object. Whether that can be altered the Committee are better able to judge than I am.

1062. Lord *Lyveden.*] Do you mean by no objection to the *locus standi* that they should be admitted on all occasions to oppose anything they please?

Yes;

Yes; upon all schemes affecting the Metropolis they should have the right to appear.

1063. And that they should be entitled to be the only judges whether they should appear or not?

No; I mean that they should be permitted to make a representation to the Committee before whom the Bill was.

1064. And then that the Committee should exercise the discretion of rejecting the objections to the Bill or not?

Clearly so. I ask that we should have the right to appear to state our objections to the Committee.

1065, *Chairman.*] That you have in the House of Commons, and not in the House of Lords?

We have that in the House of Commons. Probably the alteration in the Standing Orders may be sufficient, except that it will be necessary that we should have a deposit of the plans. That part of the Standing Orders has not yet been altered, but, I believe, it will be altered before the Session is over.

1066. Lord *Lyveden.*] Will you explain how your position in the House of Commons differs from your position in the House of Lords, at present?

At present our *locus standi* has not been disputed before any Committee of your Lordships' House. It is doubtful whether any alteration in those Standing Orders will be necessary, except requiring a deposit of the plans, with the sections and elevations.

1067. Lord *Wodehouse.*] Is it not likely that a very large expense would be thrown upon the ratepayers if in every case where a railway affecting the Metropolis was brought before Parliament the Board of Works were to appear and oppose it?

No doubt it will be an expense; but the question is a balance of evil, whether the expense is not a small matter as compared with the disfigurement and interference with the Metropolis in the way which the several companies contemplate.

1068. *Chairman.*] Do you not think that your purpose would be sufficiently answered, supposing it became compulsory on the railway companies to deposit with you the plans, and sections, and elevations, as you have already suggested, and that you should be called upon to report in all cases in the same manner that the Board of Trade now does with regard to the interests of the Metropolis being affected, but that you should not appear as parties, thereby entailing great expense upon those whom you represent, and, of course, occasioning also a certain amount of expense to the promoters?

We are anxious to lessen the expense. It will be a very serious item, undoubtedly. That is one reason that made me suggest the idea of a permission to appear without petitioning. The petition involves a portion of the expense of appearing before a Committee, but whether that can be accomplished I am unable to say. It is quite clear that we must appear by counsel.

1069. Lord *Lyveden.*] You do not propose to appear without petitioning, do you?

That is a question worthy of consideration, I think.

1070. You desire to appear upon public grounds?

Entirely upon public grounds.

1071. You desire, without any reference to property and without a petition, to appear against any scheme which you think desirable?

I desire that we should have the right to appear at any time, of course giving the parties due notice; they must have an opportunity of answering our allegations; but if we were in the habit of reporting every year to Parliament our objections to the schemes, the parties would be in complete possession of those objections, and be able to meet them; the question with me is whether we should not have a right to appear without petitioning.

1072. Would not a report be sufficient to put the public in possession of all your objections, without appearing by counsel, and thereby throwing an expense upon the ratepayers, and also upon the promoters of whatever Bills were before the Committees?

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I am afraid we must go further than that with regard to many schemes which are before Parliament, and which we deem to be prejudicial to the Metropolis.

1073. Lord *Redesdale.*] Have you any idea of the expense which has been incurred by the Metropolitan Board of Works of appearing before Committees during the present Session?
I do not know at this moment.

1074. *Chairman.*] I presume you have never been refused a *locus standi* where your drains have been interfered with, for instance?—No; we have usually petitioned for clauses to protect our works. In those cases our right has never been disputed, because it has been admitted on all hands.

The Witness is directed to withdraw.

JOHN HAWKSHAW, Esquire, is called in, and examined as follows:

J. Hawkshaw, Esq.

1075. *Chairman.*] I BELIEVE you have considered the subject of Metropolitan Communications by Railway?
I have to some extent.

1076. You have been engineer to several schemes for Metropolitan Railways?
Yes, I have to three or four schemes at different times.

1077. Have you any objection to state to the Committee the nature of those schemes?
The earliest of the metropolitan schemes with which I was connected are shown in one of the Blue Books. They consisted of two: one was to construct railways from the extreme west of London, along Oxford-street and Piccadilly, in a subway; that was before the Metropolitan Railway was started; they were to converge and unite at the east end of Long Acre, from whence a new street was to be made to Cheapside, under which there was also to be a subway. That would have formed two lines of railway from the extreme west of London to the centre of the City. Those railways were not carried out; they involved an expenditure of a very large sum, and at that time no persons were found who were willing to make them.

1078. Has subsequent reflection weakened your opinion of the advantages of such a railway?
No.

1079. Would the construction of the Metropolitan Railway much affect that scheme?
Not at all. These were two straight lines running parallel to each other from Cumberland Gate and Kensington; Oxford-street especially is very wide, and, therefore, the construction of a subway along that street would not have been difficult.

1080. Would they have joined at both ends?
No; they joined at the East End. I imagine the difficulty in the construction of a subway along Oxford-street would be greater now than it was at the time I proposed that scheme, because the Metropolitan Board of Works have commenced a sewer under Oxford-street, which would interfere with that plan, unless, whoever carried it out, would undertake the making of a fresh sewer, which could be done.

1081. Do you consider there is any insuperable engineering difficulty with regard to the sewers and an underground railway, if they were on the same level?
It would depend upon the size of the sewer. The plan I proposed for the subway was for four lines of railway, and there was to be a sewer on each side, so that all the sewage from the houses would only have had to pass into the adjoining sewer, and not to pass through the subway. I do not think it a difficult thing to do, where the road is wide enough.

1082. What

1082. What was the object of this scheme; was it merely as a substitute for omnibus traffic, or was it to provide a communication between any of the existing lines of railway?

It was purely as a substitute for omnibus traffic, for the purpose of providing the means of travelling otherwise than by omnibuses and cabs, which I thought then, and think now, will have to be done sooner or later in London. There was another scheme which was laid before the same Committee, and which was published in the same Blue Book, which was for a line above ground, not a subway; it commenced at the extreme west of London, beyond Turnham Green, passed through Kensington, Brompton, and Chelsea, and ultimately along the Thames Embankment, and it connected the South Western, the London and North Western, the South Eastern, and the Blackwall Railway. That was a line on a viaduct. It was a very expensive line, and would have cost three or four millions of money.

1083. Do you think that a railway of that character should be above ground or under ground?

That is entirely a question of circumstances. Of course I should prefer a railway above ground, because it is always pleasanter to travel in the daylight than it is in the dark; but when you have got a long line of road, and underneath that line of road you can put a railway, which is out of sight, and does not cut up property, it is worth consideration. I think it must be quite a question of circumstances as to which is adopted.

1084. Have you at all considered the general question which has been referred to this Committee, as to whether it would be desirable to adopt a comprehensive scheme of railway communication through the Metropolis?

I have heard it spoken of a great deal, and I have thought something about it. But I think that is a vast question, and I should very much fear that any attempt to do that now would be prejudging a question which would be better left to future experience. I do not think we are at all in a position at the present moment to say what the railway system of London shall be; I do not think any one can tell what the necessities of London will be 20 years hence, or even 15 years hence.

1085. Have you at all considered the best means of accomplishing that which seems to be generally acknowledged to be desirable, namely, that the lines of railway north of the Thames should communicate with the lines south of the Thames?

Yes, I have. I think that is desirable to a certain extent; but I do not think it is at all necessary, and certainly it is not at all desirable, that all the railways should be made so to communicate, because, after all, the through traffic north and south of the Thames is not a very large quantity. It would be better, I think, that much of that through traffic should be put on those railways which are rather away from the centre of the population than that it should be brought on to the omnibus lines, where it might very much interrupt the daily traffic. For instance, with reference to the Charing Cross Railway, which I am now constructing, there have been several suggestions made to connect other railways with it. Parties have come with proposals for communications being made with it, which I could not see the advantage of, and which I was afraid might lead to obstruction to that railway. We shall probably carry passengers by millions per annum. In the first place, it will have to bring all the suburban traffic from the South Eastern to Cannon-street and Charing Cross; and then it will make between Charing Cross and Cannon-street a railway by means of which people would pass from the City to the West End. The trains will have to run every five minutes, and if through traffic were attempted to be introduced, it would obstruct the line, and might destroy a large portion of its usefulness. I should prefer that through traffic should not come much upon it, but should go on some of the other lines which are more outside of the Metropolis.

1086. Then you are of opinion that, with regard to passenger traffic, it should go through the Metropolis; but, with regard to goods and coal, they should go outside?

Yes; the only way in which goods and coal could go through would be at midnight, and no important traffic could be carried on that way; it would be better that it should go outside.

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1087. Earl *Grey.*] That line is the Kensington line?

Yes; there is an extension of the West London Railway, which is a very good route for railways north of London.

1088. *Chairman.*] Have you considered the question of a communication on the southern side, between the Great Eastern and the South Eastern?

Yes, I have. I have looked at some three or four schemes of that sort. It is very difficult to get the Great Eastern to any good terminus in London. There is no doubt that it wants a better terminus. As far as I have seen, the proposed connexion with the extension of the North London Railway at Liverpool-street appears to me to be the best. That was proposed last year. I am not quite sure whether it was thrown out, but it disappeared in some way or other. It appeared to me to be the best of those projected.

1089. I gather from what you have stated, that you are quite opposed to having a central station for a great many railways in the heart of the Metropolis?

Yes; the fact is, that a central station is quite an impossibility. From my experience I know that railway stations in numerous instances have had in 20 years to be trebled, and even quadrupled, in size. Wherever stations are made, it is proper to assume that in the course of time they will increase; and if there were to be the stations of three or four large companies on one spot, they must either leave it ultimately, or absorb the whole of the district.

1090. Do you think it is possible to devise a scheme which might be useful for collecting and distributing traffic, and yet preserve the present stations of the large companies, rather out of the centre of the metropolis, to which the larger number of passengers and goods may be sent?

No doubt these omnibus railways will, to some extent, collect traffic for the larger railways; but I think that all the large railways will ultimately find it necessary to bring their stations nearer to the centre of London. In fact, they are doing so. The South Eastern is coming to Charing Cross and to Cannon-street. The Great Western is going to Victoria Station. I have no doubt that the Great Northern and the Midland will come further into the centre of London, and I think it is desirable they should; but I do not believe in any system which shall collect the traffic for them in such a way as to do away with the necessity of maintaining stations for themselves.

1091. Are you aware of any instance in which a Railway Company has taken too much room for their stations?

No, I am not. I have never known a case of that sort. I have had a great deal to do with stations in Lancashire and Yorkshire. I have never known any instance where a Railway Company has taken too much ground. In fact, I have heard of cases where they have sold property, thinking they had too much, and they had ultimately to buy it again at five or six times what they sold it for.

1092. Lord *Redesdale.*] Have you any plan prepared with regard to London in its present state which you can submit to the Committee?

No. The only railway measure which I have been concerned with, since the Charing Cross line, was a line from the Great Northern Railway to the Regent's Circus. That is the only line which I have given any attention to since I have been connected with the Charing Cross line. I should, myself, shrink from any attempt to lay down any general plan for London. I think it would be as mischievous as laying down a general plan for all the railways in England, which some gentlemen think might have been done. I think there can be no harm in laying down lines of that sort and looking at them; but if it be attempted to stereotype them, and say these are to be the railways for London, I think it would be a mistake. Nobody can tell what London will require in the shape of railways in the next 15 years.

1093. Do you not think, without some consideration, that railways may be now sanctioned in London, which would materially interfere with what may be necessary and expedient in 15 years hence?

I think that is possible. I think railways should not be sanctioned without grave consideration. I think railways affecting London ought to have mature consideration. But, I think though it is possible that projects may be sanctioned in the next three or four years which, perhaps, 15 years hence may prove to be a little inconvenient, that is better than waiting; and I think it is better also than trying

trying to lay down a rigid system for all time which would be more mischievous than treating each scheme by itself, as it is proposed from time to time.

1094. What do you mean by mature consideration?

I mean by that, the best consideration it is possible for Parliament to give to the question. Of course, I am quite aware that that is perhaps sometimes not so perfect as it might be, but still I mean the best consideration that can be given under existing circumstances.

1095. Do you think that mature consideration can be given by a Committee to whom a particular Bill is referred without that Committee having any information before it as to whether any other scheme might be proposed which would not be better?

No doubt, that Committee will not be in so good a position as if it had before it all the information which the next 10 years may elicit with regard to every other part of London. That is one of the practical evils arising out of the necessity of doing something.

1096. Would not the same thing which is necessary to be done be a comprehensive view to be taken by efficient professional persons to see what probably would be the best line for the present to be suggested?

I think that is desirable if anybody is capable of doing it. What I feel is, that no one at present can sit down and say what should be the system of railways which would prove to be the best. It must be a comprehensive scheme embracing 20 or 30 millions of money. I do not believe there is anybody at the present moment who could lay out a scheme which if adopted might not prove to be inferior to what will result from each scheme being considered by a competent tribunal, as it is propounded from time to time. In the first place, to the framing of such a comprehensive scheme you could only bring the intellect of one or two individuals, who must be guided by present experience; whereas with regard to the measures which will be brought forward in London in the next 7 or 10 years, you will have the advantage of further experience, and get better measures than you can do by present legislation in the shape of Commissions.

1097. Do you think that there ought to be something done, with regard to individual schemes which are proposed from time to time, in order to enable the Committee before whom each scheme is brought to form some opinion as to whether there might not be a better scheme devised for the very objects for which the particular scheme is proposed?

I think everything that could be done with that object should be done. The difficulty I have is in seeing what can be done. I do not see what Parliament can devise which should guide them in reference to schemes which are not before them. I could suggest a mode by which, I think, we should get better decisions with regard to such schemes. For instance, if the Chairmen of Committees were made permanent Chairmen, they would get to understand the railway system of the country, and legislate with a knowledge of what passes from time to time, and we should get much more uniform decisions than we do at present. And it would be still better if the Members of Committees before whom these railway schemes come, were less frequently changed; they would then acquire information and knowledge of the wants of London with regard to railways proposed and constructed from time to time, and they would be much more likely to come to proper decisions than if the Committees were composed of Peers who have not considered the question before. How that is to be done is not for me to say, but if it could be done, no doubt we should get wiser decisions.

1098. *Chairman.*] I understand you to say that you think it is extremely difficult now, *à priori*, to lay down a comprehensive scheme of railway communication, and that you think the different schemes which are promoted should receive very careful consideration; can you suggest any instructions which ought to be given to the different Committees sitting upon these schemes which would guard against any very serious mistakes in connexion with metropolitan railways?

I fear not. All I can suggest would be, that if you can get Committees of experience who have had to deal with metropolitan questions before, the best measures would be suggested by themselves. I do not see what kind of instructions could be given to the Committees which would at all answer the purpose.

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Suppose you suggested a reference of the scheme to some other tribunal, say the Board of Trade, the Board of Trade is represented by officers, who have an immense amount of work. I cannot imagine that an officer of the Board of Trade would be likely to arrive, or could possibly arrive, at a very sound conclusion with regard to a great number of metropolitan schemes in the few weeks which he could devote to them, and he might arrive at an erroneous conclusion.

1099. You wish the tribunal to be improved, but you do not see that anything can be done previous to that tribunal being appointed in its present form?

No. If there are five Members of the House of Peers, before whom all the metropolitan lines were to come, they would obtain a knowledge of all the metropolitan lines, which would be very valuable in dealing with any future scheme. If a fresh Committee is appointed to every fresh Metropolitan Bill, they have to learn everything over again. That observation applies to Committees generally. At the same time, supposing any number of gentlemen are called upon to suggest lines for the Metropolis, what I should deprecate would be assuming as the basis any fixed scheme; I think that would do more harm than good.

1100. Lord *Redesdale.*] You have stated that you think that all the lines will by degrees push themselves more towards the centre of the Metropolis; do you consider that there is room for the three lines which will ultimately be likely to congregate within a very short space in the New-road, namely, the Great Northern, the Midland, and the North Western, to get separate stations more advanced into the Metropolis?

Yes, I think so. I think the Midland and the Great Northern could get a station large enough near the Regent Circus. I am not quite sure that it is not better that each large company should have its own station.

1101. Do you think that there is room in the central parts of the Metropolis, for each of the three lines which approach London at almost one point, to obtain a more central station advantageously to the Metropolis itself?

Yes, I think so; for a certain portion of their trains, that is to say, for their passenger trains only, not for their goods trains. I should not think they would ever move their goods traffic.

1102. But even for their passenger traffic, must not the station be a very considerable one, which is a making up station for passenger trains?

Yes, no doubt.

1103. Is not the expense of the ground which such a station must occupy in any central part of the Metropolis enormous?

Yes.

1104. What advantage do you think would be gained to any company, in a pecuniary sense, by obtaining such a station, unless it be to prevent the competition of another railway which had obtained a similar advantage?

I think they would gain this advantage: I think all railways having any communication with the Metropolis will be converted in a few years into suburban railways. The tendency of the inhabitants of London is to reside more in the suburbs. Every railway coming into London will become more and more a suburban railway, and it is on that account they will find their way further into the centre of the Metropolis. If you can convert a railway from being a mere railway for long traffic into a railway for surburban traffic, the gain is enormous. The places reached by the South Eastern Railway Company, which is expending two millions and a half upon two stations, will become places of residence of gentlemen who never would have thought of going to reside there but for these stations. All the leading railways, in my opinion, will come into London; and all the lines will become places where persons will prefer to live rather than living in town. I do not think London could go on for the next 10 or 15 years without that happening.

1105. *Chairman.*] Is there any other information which you can give the Committee which you think would be useful to their inquiry which has not been elicited by the questions which have been put?

There is just one point which is rather a matter of curiosity than anything else. A great deal has been said about and some attempts have been made to do something for what is called the æsthetics of railways, or the architectural designs, with reference

reference to bridges, and so forth. I should like to explain the difficulties in which we are placed with regard to that question. I have here the photographs of two bridges of different ages (*producing the same*). This is a photograph of a bridge which was erected 30 years ago, when young engineers took great pains with regard to what is called architectural effect. That bridge is erected over the Lancashire and Yorkshire Railway at Wakefield. The bridge is a very handsome structure. Every pains was taken with it that could be taken. That bridge having been built, then came the question of danger to the travellers, and the result of that was, that we were compelled to put up a screen, which is shown on that photograph. It utterly destroys the architectural effect. The other photograph which I have here, is of a bridge made 10 years later, from designs by myself. At that time Parliament having discovered what was necessary for the protection of the public, compelled me to make the bottom a straight line, with sides a certain number of feet high. Care was taken with the architecture of that bridge. The Committee will see its fate has been to be made an advertising medium. With regard to the Charing Cross Line, I have made some bridges which I must say are ugly enough. But the law says that these bridges shall spring from the shop front on the one side, to the shop front on the other, without intermediate supports, and at an uniform height above the street. Then the requirements of the public with regard to preventing horses being frightened and people being killed, give you another line 10 feet above that. Those are the conditions you have to work upon. As far as my opinion goes, I do not see how you are to produce architectural effect with such conditions. I think all attempts would be abortive, and therefore I have given it up. I have been asked by gentlemen, "Why don't you do something?" I have said, "What would you do?" They have said, "Make them open." I say, "The law will not permit me to make them open." Then they say, "Put panels upon them;" but panels appear to me to make matters worse. A girder so restricted cannot be made architecturally beautiful. Charing Cross terminus will be a handsome thing, which will not disgrace the Metropolis. But girders cannot be adorned with any advantage.

1106. Lord *Lyveden.*] With the consideration which has been given by your profession to this question of late years, if any scheme were contemplated for supplying the future necessities of London, do you think that a Committee of the Houses of Parliament could arrive at any satisfactory conclusion upon that subject?

I fear not. There are already two or three very large Blue Books containing a number of maps, and a great number of recommendations, and I am not aware of any one having ever looked into them since; they contain a great number of very good schemes; some of those schemes, being my own. You have to do two things; first you have to get a Committee to devise the scheme; secondly, you have to find somebody who will provide the money for it. People will only find money for that which they think is the proper thing to do. I believe as regards London, as I believe with regard to England generally, that if anybody had sat or were to sit down and to devise a general railway scheme, that it would be a great calamity. I think it would only tend to obstruction; I cannot put my finger upon any railway, which, nationally speaking, it would have been better if not made.

1107. If schemes devised by eminent engineers were submitted to the public, do you not think that persons would be found ready to subscribe to them, and raise the money.

That depends upon circumstances; upon their magnitude, cost, &c.

1108. If such proposals were made to the public, do you think there would be any difficulty, owing to the abundance of capital in this country, in carrying them out?

I remember a good scheme of Sir Joseph Paxton's, but it was to cost thirty-three millions of money; if a Committee sat upon the subject, they must come to a large and comprehensive scheme. It must be very large to be of any use; I do not see how any one could be found to carry it out.

1109. Earl of *Lonsdale.*] In all the recent schemes which have been proposed affecting the Metropolis, there was no want of funds to carry them out?

Those are schemes, which have been brought forward by the parties who believe in them, but it is difficult to get parties to believe in schemes which are laid down by a Committee.

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1110. *Chairman.*] From your experience in connexion with railways, do you think that if it were left to a central authority to lay down a line for the wants of the country, to be taken up by a private company, that there would be the same amount of railway accommodation, or that the traffic would have been taken as speedily as it is at present to many parts of the country?

No, I do not; I do not think the country would have been as well supplied with railways. I think, as I have already said, that if a general system were laid down, it would prove an evil.

The Witness is directed to withdraw.

JAMES BRUNLEES, Esquire, is called in, and examined as follows:

J. Brunlees, Esq.

1111. *Chairman.*] I BELIEVE you have considered the subject of railway communication in the Metropolis?

Generally, I have.

1112. Is there any particular scheme with which you have been connected?

I had one scheme prepared last Session, from Kensington.

1113. The object of that railway was to connect the Victoria Station with what terminus?

To connect Kensington Station with Leicester-square.

1114. Was it underground?

Altogether underground, except at the junction at Kensington.

1115. It chiefly followed the road, except where it diverged into Hyde Park?

Into Hyde Park, and into the Green Park.

1116. Viscount *Eversley.*] Did that line drop from want of funds?

Yes.

1117. *Chairman.*] Are you in favour, generally, of a railway communication through the Metropolis being underground?

I believe that, with the exception of the south side of the river where the level of the ground is too low, the best way of meeting the wants of the Metropolis, taking all things into account, is by the construction of underground railways.

1118. On account of its economy?

On account of economy principally. The expense of an overground railway would be very great, because of the destruction of property.

1119. I presume the line that you proposed was meant, chiefly, as a substitute for omnibus traffic?

That is so. But I think, that in addition to meeting the requirements of the omnibus traffic, a line running from the west, as this would have done, would also be used as an auxiliary to the main trunk lines going out of the Metropolis into the various parts of the country. If we take the north side of London, for instance, I think the time will come, and that before long, when the various trains leaving London for the north will be made up at some point in the suburbs, and not as now, at one principal station. The various local lines will conduct the traffic to that particular point, and from thence the main train will start. I instance the north, because that would have been in connexion with the line which I laid down. The same principle, however, would apply to all the other main lines; for example at present, on the Brighton line, trains start from Victoria, and also at or near the same time from Kensington, and meet at a point on the south system. That, I think, will, before long, be the general plan of working the traffic from the Metropolis to the Provinces, and *vice versâ.*

1120. Did your proposal contemplate a single station in Leicester-square for the lines?

A single station in Leicester-square at first; but I also contemplated carrying the line forward until it met the Metropolitan in the City, so that Leicester-square would have become a side station, or a station of call. Another object which I had in view in that east and west line was this. Knowing well, as I do, this traffic, from living in Kensington, I have considered that a line in this direction

tion would relieve the main roads from the traffic in vegetables and heavy goods coming in from the country to Covent Garden, to which I proposed running a short branch from Leicester-square.

1121. Is there anything which you would like to state to the Committee which you think might be useful to them with regard to the reference that has been made to them as to the best means of providing railway communication within the limits of the Metropolis?

I might state with reference to the line that I have laid down, that, instead of carrying it to Leicester-square only, as I proposed last year, I should now also carry it under the Green Park, under St. James's, and so to the north side of the River Thames; thence forward to Blackfriars' Bridge in the City, under the proposed Thames Embankment, and from Blackfriars' Bridgeup to the Mansion House, under the new street that is proposed to be made, thus giving a communication between the centre of the City and the West End.

1122. That would connect it with the Metropolitan, would it not?

I am not quite sure about the levels at the point where this line would pass the one leading to the Metropolitan, but I believe they could be joined. I do not know that I can aid the Committee further, except by stating generally this view of the case; that London has now become so very large, and what I should call almost uncontrollable in its traffic, that I think the time has gone by for its being dealt with as one place. I think the proper view to take of the Metropolis is to look upon it as a series of towns lying contiguous to each other, and that these towns require facility of intercourse between one another. In addition to that, I think, as I have already intimated, that the traffic to and from the country through these connecting lines between the different towns should also be conveyed to and from the outskirts by the lines connecting what I may call the series of towns. I believe that central stations can never meet the wants of so large a place as London has now become.

The Witness is directed to withdraw.

Ordered, That the Committee be adjourned till Friday next, Two o'clock.

Die Veneris, 15° *Maii* 1863.

LORDS PRESENT:

The Lord President.	Lord Colchester.
Earl Grey.	Lord Somerhill.
Viscount Eversley.	Lord Stanley of Alderley.
Lord Wodehouse.	Lord Belper.
Lord Redesdale.	Lord Lyveden.

The LORD PRESIDENT in the Chair.

WILLIAM BAKER, Esquire, is called in, and examined as follows:

1123. *Chairman.*] YOU are Engineer of the London and North Western Railway Company?

To the North Western, the North London, and the West London Railways.

1124. In that capacity, probably, you have often considered the subject of extending the termini of any of the railways further within the centre of the Metropolis, and also with regard to the inter-communication of the different railways?

Yes, the North Western Company had two years ago two schemes; one was to enter the City more directly, and the other was for the West end. The City Extension was carried to Liverpool-street, and the other, which was to Charing Cross, to form a junction with the South Eastern Line, was postponed at that time on account of the large expense.

1125. Was there any objection to it, in your opinion, except the difficulty of obtaining the funds?

No; we took a great deal of pains to ascertain the position of the sewers and other matters. There was one slight objection which might have been got over, and that was the junction with the North Western at the Euston Station. We should have been obliged to run back a little distance from the main station precisely in the same way as the Metropolitan has done at Paddington, That, no doubt, is objectionable, because you avoid the main station; but still that might be overcome.

1126. Which is the line that has been authorised?

The line that has been authorised is from Kingsland on the North London Railway to Liverpool-street in the City.

1127. Is that opened?

That we are constructing; it is now in progress. We have about five acres of land at Liverpool-street.

1128. Have you decided yet what use you will make of that line, as far as the North Western is concerned?

The North Western, undoubtedly, will have a goods station there, and in all probability a passenger station also, in connexion with the North London. That is the intention at present. We have five acres for the upper surface, and the lower surface under the arches is for goods.

1129. But without any intention of transferring the passenger traffic from the North Western, except with regard to the accommodation of a certain number of passengers coming from the east?

Or from the north into the City.

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1130. What is the line that you state was abandoned owing to the difficulty of obtaining funds?

That was the line from Euston Station, under the Tottenham Court-road, through Soho-square, crossing the Strand, and forming a junction with the South Eastern branch at Charing Cross. We wished to form a connexion with the South Eastern, and to have a large passenger station in Leicester-square. The entrance was to have been at the corner of St. Martin's-lane.

1131. Would that have been a station exclusively devoted to the North Western?

It was at that time purely a North Western scheme.

1132. In your opinion, is it desirable that there should be a further communication than now exists between the railways north of the Thames and those south of the Thames?

I think that would be very desirable. Speaking with regard to the North Western, we have already a good communication with the Brighton and the South Western, and powers exist to form a connexion with the London, Chatham, and Dover; but we have no connexion with the South Eastern.

1133. Your connexion at present is rather circuitous, is it not?

It is. This proposal would make it two miles nearer.

1134. Do you think that circuit is any disadvantage, whether as regards passengers or goods?

I do not think it is of so much consequence for goods, but I think it is for passengers.

1135. Do you think there would be any advantage in having a more direct communication with regard to goods?

I do not think it signifies so much for goods, certainly, as for passengers. Another communication has been mooted, which is to take a line from Liverpool-street to Cannon-street. That would be more useful for goods because they will take the goods direct from one station to the other. At present we take goods into London, then back again to Willesden, to bring them to the south of London.

1136. Do you think it would be advantageous for the North Western, with regard to the accommodation of the public, to have a still more direct communication, as regards passengers, with the southern railways, and with those with which they are already in communication?

I do not think it would, except for a connection with the South Eastern. We have a very good station at Kensington, and we can also run into the Victoria Station.

1137. You think your present requirements are for a connexion with the South Eastern, both for passengers and goods?

Certainly.

1138. What do you think would be the best means of obtaining that?

By the route which I have just named, from Tottenham Court Road to Charing Cross; because on that route we should have a very good west end terminus.

1139. Have you much considered the subject of passing the crowded portions of the Metropolis, as to whether it is desirable that railways should be on a viaduct, or underground, or on the level of the ground?

I do not think the railways could be on the level of the ground. They must either be over the streets or under the streets.

1140. To which of those modes do you give the preference?

I should prefer over, if it were not for the unsightly appearance they present.

1141. Lord *Somerhill.*] Which do you think the most expensive to make?

I think the aboveground railways would be the most expensive. In making an underground railway the ground is generally selected through some straight street, so that it will not interfere materially with property; but in making an above-ground communication it must interfere with property.

1142. *Chairman.*]

1142. *Chairman.*] Do you think that any connexion could be made which could be available not only to the railway you represent, but also to the Great Northern, and to the Midland?

I see no difficulty in bringing the Midland and the Great Northern into the scheme which I have just set forth.

1143. Do you suppose there would be any difficulty as regards coming to terms among the companies for their joint contributions, and their joint use of such a railway?

I do not know how that may be. At present we have almost a parallel case; that is, the West London Extension, which is owned by four companies, each company working their own trains over it. It is owned by the North Western, the Great Western, the Brighton, and the South Western, and each work their own trains over it.

1144. Is there a joint Board of Management over that railway?

There is a joint Board, four directors of the North Western, four directors of the Great Western, two directors of the South Western, and two directors of the Brighton; they manage the whole. The West London Extension runs from Kensington to Clapham Junction; and also forms a junction with the line to Victoria Station.

1145. Have you at all considered the question of railway communication within the limits of the Metropolis, intended for the purpose of relieving the great cab and omnibus traffic?

We expect that the North London Line to Liverpool-street will take a large amount of the traffic off the roads in that way, precisely in the same way as the Metropolitan has done from the New Road, but still that does not relieve the City at all.

1146. Have you considered any other schemes?

No; those are the only two schemes that we have had before us.

1147. In your opinion, would it be easy if a competent commission were established to lay down some general comprehensive scheme defining what should be done with regard to the wants of the Metropolis?

I think that might be done, and certainly it would be far better than allowing every company to have their own ideas, and not only every company but every speculative firm which might get up a line.

1148. Do you think they could lay down a plan by which, for a considerable time at all events, the requirements might be fully met, leaving it to the companies to carry out such a plan?

Yes; each company might lay out their own ideas on a plan, and submit them to some tribunal, which might select those giving the greatest public advantages.

1149. Lord *Lyveden.*] Do you think that a commission could foretell the future wants and necessities of London traffic?

To a great extent, I think they could.

1150. In that plan, have you ever thought of a central station?

Yes, we have; but I do not think a central station would answer. I think the enormous traffic to one station would block up the surrounding district too much. Taking the Victoria Station where there are a great many trains, there is great delay at times.

1151. Would you have several separate stations in the heart of the Metropolis?

I would have several stations, but I would have the lines connected, so that the few trains which wanted to go through might do so.

1152. *Chairman.*] Supposing this line which you have sketched out as being a desirable connexion between the North Western and the South Eastern is made, should you propose to bring your general station more south?

I have no doubt that we should start our Irish and Scotch trains from there, calling at Euston Station; that would avoid the necessity of making the trains up, which is a great hindrance.

1153. Where would that station be?

We proposed to place our station in Leicester Square, and a large area in that neighbourhood;

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neighbourhood; the entrance being nearly opposite St. Martin's Church, at the corner of Hemming's-row, and St. Martin's-lane.

1154. Did you at all consider what was likely to be the feeling or prejudice with regard to taking the open space in the Metropolis?
No, I do nor think we took that into consideration.

1155. Lord *Lyveden.*] Is the proportion of the passengers who come up to pass through London large?
I should think not.

1156. They generally come to stay, do they not?
At present we have opened a station at Kensington with a view of accommodating through passengers; the passengers generally remain in town for a short time.

1157. Lord *Stanley* of Alderley.] How do you forward your through goods traffic for the south; does it go from Willesden Station to the southern Railways?
Yes; it is taken back from Camden or Haydon Square to Willesden, and then transferred to either the Brighton or the South Western.

1158. Is there any considerable amount of traffic which now goes in that direction?
I believe there is.

1159. Earl *Grey.*] What is the reason of taking them back from Camden to Willesden?
Perhaps out of half a dozen trains from Manchester or Liverpool there may be only one or two waggons in each train for the south, and it would not be worth while to stop the trains for the purpose of picking out those waggons, so they are run on, and then sent back to Willesden.

1160. Lord *Stanley* of Alderley.] Is it not the fact that the North Western are going to build a large station at Willesden?
Yes; we are going to commence a new station at that point; we have bought a large amount of land for the purpose.

1161. In the event of that station being constructed, the traffic destined for the south would go forward at once, without going to the Camden Station?
That is so, as far as passengers are concerned.

1162. Would not that apply to goods?
It would not. We have a very large traffic in minerals, which are forwarded direct without coming into the town.

1163. That, in point of fact gives you a direct communication with the whole of the south and west of England?
It gives us a communication with Brighton and the South Western, but not with the South Eastern. There are also Parliamentary powers for giving a connection with the London Chatham and Dover.

1164. *Chairman.*] Have you any other information which you think it would be desirable to give the Committee?
No, I am not aware of any.

The Witness is directed to withdraw.

WILLIAM HAYWOOD, Esquire, is called in, and examined as follows:

W. Haywood, Esq.

1165. *Chairman.*] You are Surveyor to the Corporation of the City of London?
I am Engineer and Surveyor to the Commissioners of Sewers of the City of London. They are also charged with the care of the roads and pavements of the City.

1166. Do you consider it desirable that additional lines of railway should enter the City of London to connect the existing railways, or to establish a continuous system of railway communication round the Metropolis?

Firstly

Firstly, I hold it to be of great importance that the traffic north and south of the river should be able to pass over the river by means of the railway bridge now constructing, so that the northern and eastern traffic should be brought into connection by the Metropolitan Railway with the London, Chatham, and Dover Railway; and that can best be accomplished by an extension of the Great Eastern Railway to the Metropolitan Railway at Finsbury Circus. At the present moment there is an Act for the extension of the Metropolitan Railway to Finsbury Pavement. There is also an Act for the extension of the North London Railway to Liverpool-street. I think that the Great Eastern Railway should be put into communication with that extension of the Metropolitan Railway.

1167. With their present station at Fenchurch-street or Shoreditch?
Their present main station or terminus is in Shoreditch.

1168. Would you bring that line into the North London?
No, it would be far below the North London. At the present moment the Metropolitan Railway is a subterranean railway. It will be equally subterranean when it reaches the centre of the City at Finsbury Pavement. The North London Railway in Liverpool-street will be at an altitude of 16 feet above the level of the surface. What I think desirable is, that the Great Eastern should be introduced as a subterranean line to join the Metropolitan Railway without break in level of rail.

1169. Lord *Stanley* of Alderley.] How will the difference in the levels of the respective railways admit of that?
By means of a communicating line starting sufficiently far to the eastward, there will be no difficulty whatever in producing the Great Eastern line so as to make it a subterranean line within the City.

1170. How far eastward from the present stations at Shoreditch would it be necessary to go to obtain that mode of communication?
I am unable to answer that question. About three years ago the Great Eastern Railway Companies themselves prepared a scheme for connecting with the Metropolitan Railway by a subterranean line. I reported upon that scheme. I investigated that scheme at the time, and I know that it was perfectly practicable with regard to gradients, and, indeed, in every respect. This year the Great Eastern produced a scheme so as to bring it into Finsbury Circus at a level of 16 feet above the surface.

1171. Have you considered the subject of a railway communication with the roads, so as to relieve the traffic of the City, and at the same time give that railway communication?
I hold that the necessities of the metropolitan traffic require a very large extension of the metropolitan railway system. The guiding principle of that system should be, that the whole of the railways should be in intercommunication as far as practicable, that is to say, that assuming the lines were properly laid out, a passenger getting into a station which was nearest his own residence in any part of London, whether north, south, east, or west, should be able to get out at the station nearest to his destination without leaving the railways at all until he arrived there.

1172. Lord *Somerhill.*] Without change of carriage?
That will be a question for the traffic managers to determine when the lines are completed. My belief is, that it might be arranged with scarcely any change of carriage. I think, for instance, that a person coming from Mile End, or anywhere along the Great Eastern line, and wishing to go, say to Peckham, should be able to come right through the Metropolitan Railway over the new bridge, which is now being built across the Thames, and get down to Peckham, Clapham, or Rotherhithe; or if he wanted to go north, he could go north to Regent's Park and Paddington without leaving the railway system at all. The same remarks would apply to any future schemes for metropolitan railway communications. It will not be absolutely practicable in every case, because the system has, to a certain extent, been designed and executed, but to a very large degree that principle may be made to apply to future metropolitan railways, or future branches which may be made from the existing metropolitan railways. I believe that it is by such a system that the future traffic of the centre of the Metropolis can alone be relieved. It will not be so much relieved if persons wishing to go from different

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parts of the Metropolis to other parts, are obliged to alight at termini, and take vehicles to travel to other termini. It can only be effectually relieved by a complete system of intercommunication.

1173. Lord *Redesdale.*] Do you believe that the chief crowding in the streets is occasioned by people going to railway termini?

A very large proportion of the vehicular traffic is occasioned by people going to and from the different railway termini. But the largest proportion is due to business people. I am now speaking of the centre of business. What may be called the centre of pleasure at the West End, has a traffic of altogether a different order. It does not follow the same laws as the traffic of the City does. The City of course is the commercial centre; to and from the centre there oscillates every day an enormous number of people. The police returns give as many as 700,000 who enter the City daily, and the same number leaves it at night. Many of those people come from a long distance beyond the suburbs, taking perhaps a radius of 30 miles round London. It is those people who form the largest portion of the mass of travellers who alight at the termini of the railways, and take vehicles to and from them. But the largest portion of the central traffic is composed of those people whose daily avocations make them go to and from the City, and who either go by the short conveyances, as cabs, or omnibuses, or who walk or who come in their private carriages.

1174. Do you think there would be any advantage in having a junction between the Blackwall Railway and the Cannon-street Station of the Charing Cross line?

It is difficult to answer that question with anything like certainty without much consideration, but my impression at the present moment is, that it is not one of the most desirable communications, and that it is not the most urgently required.

1175. Does not a great portion of the Great Eastern passenger traffic come down by the Blackwall Railway?

There is a large portion of the traffic comes that way now, but I should say not the largest portion.

1176. Might not that line be made a very good approach for the Eastern Counties traffic by joining it in that way?

That could only be accomplished by bringing it on a viaduct right through the streets.

1177. Is not the Cannon-street line on a viaduct?

The Cannon-street line is on a viaduct over Thames-street; but it starts very nearly at the level of the ground at Cannon-street. The expense of an extension of that to join the Blackwall line would be something gigantic.

1178. Lord *Stanley* of Alderley.] Do you not think that the better way in which that portion of the traffic which comes from the Great Eastern Railway would be provided for, would be by a junction in the neighbourhood, or a short siding to the Metropolitan Railway?

Infinitely; because it is very near to the Bank. There is the opportunity of making a very convenient station sufficiently near to the Bank.

1179. You think the same amount of accommodation would be given by means of that junction at a much less expense?

A very much less expense.

1180. Lord *Wodehouse.*] It would have this further advantage, would it not, that it would bring the Great Eastern Railway into communication with the west of the Metropolis?

Yes, with the north-west and the west; and also with the south.

1181. Lord *Redesdale.*] Would not the effect of a junction being intermediate between Fenchurch-street and Cannon-street, enable the Great Eastern traffic to come up to the Charing Cross station, and to leave the City altogether?

It will only do that conveniently for the traffic from Bow, or beyond Bow; but that which now travels on the present line of the Great Eastern, between Shoreditch and Bow, would have to go back towards Bow, and thence up to Fenchurch-street; it would be a long way round.

1182. If the Great Eastern had the power of making up their trains either at Cannon-street or at some station in connexion with Cannon-street and the Blackwall

wall Railway, might not all their trains proceed eastward after that without going back?

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No doubt it is a possibility to do it, but only subject to the conditions just stated in respect of some of the traffic; but I think the arrangements of the level would be a matter of very great difficulty under any circumstances. It must be on a viaduct through some of the best parts of the City, and some of the most expensive portions of the City, which I think would be a most serious objection.

1183. *Chairman.*] Will you state to the Committee your opinion as to any further communications which may be needed?

I am not now able to submit to you any lines of communication, for it would require a very great consumption of time, and a very great expense, to submit anything in the shape of a useful or valuable scheme; but since I received the summons to attend this Committee I have written down a few notes upon the general conditions which I think should be observed in all metropolitan railways.

1184. Will you state what those are?

The first is, that the lines should be arranged so that, as far as practicable, a complete system of intercommunication should be obtained without break in the levels. The stations should be numerous; large general stations should not be encouraged, because they are an evil, and therefore a terminus for one or more companies should be deprecated, as it would lead to concentration of traffic, whereas diffusion would best suit the general traffic of the Metropolis and the convenience of the public. A complete system might be said to be formed when there was a station within half or three quarters of a mile of every man's dwelling, if that dwelling was within the limits of the metropolitan area. But there are portions of the Metropolis where this need not and could not apply. Under such complete arrangements any one going to the station nearest to his own dwelling would be enabled to proceed to any part of the Metropolis without leaving the system of railways until he arrived at the station nearest to his destination. The trains should be frequent, but a great speed is not necessary, except for the express trains in connexion with the trunk lines of England. The working of such a metropolitan railway system might in some respects be likened to the omnibus system at Paris, except that possengers have to change the carriages there very frequently, which would be to some extent absolutely essential under any metropolitan railway system. It occurs also to me that one more railway bridge across the river will probably be needed; and a point near to the Tower of London seems to me to be the most convenient, but I know that that will raise a very large question as to the effect upon the shipping.

1185. Lord *Stanley* of Alderley.] Are you of opinion that further accommodation should be given to the traffic on the north side of the river by means of the Tunnel?

The Thames Tunnel might be used for the purpose of establishing a connexion between the north and south sides of the river. In fact, that has been proposed in one or two Sessions of Parliament, but the Bill have been withdrawn.

1186. How far would a bridge near the Tower afford the accommodation which is required?

I think it would save the traffic from the North East and South East going a very long way round.

1187. Would not a bridge near the Tower interfere with the navigation?

It must be a high level bridge; such an one as has been twice projected, I think.

1188. Earl *Grey.*] Would it be high enough to allow first-class East Indiamen going under it?

East Indiamen never come up so high as that.

1189. What are the largest ships that come up as high as that?

I do not think there are any very large ships, there are only merchant crafts. The largest craft which come up as high as that are the large steamers going to the Continent, the masts of which are not exceedingly high.

1190. Lord *Somerhill.*] Would it be high enough for the sea-going steamers to pass underneath?

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I should think it might made be so; but very few of the sea-going steamers come up as high as the Tower; they mostly do not go beyond the St. Katherine's Docks wharf?

1191. Do you propose that the bridge should be below the Custom Houses?
Yes.

1192. Lord *Lyveden.*] Do you know why the Bills which made those proposals were withdrawn?
I believe there were some objections raised by the Conservators of the Thames, and the very powerful interests on both sides of the River, because the property is excessively valuable.

1193. What were the interests which were opposed to it?
The wharfingers, who derive large incomes from their wharves.

1194. Lord *Stanley* of Alderley.] Whereabouts was it that you would have proposed to take that bridge over in the neighbourhood of the Tower?
It was proposed close by Tower-hill.

1195. Between the Tower and Billingsgate?
Close to the entrance of the Tower. Then there was also a foot bridge projected to be carried over the river at that point during this Session.

1196. Would there be any difficulty in obtaining access to the Tunnel for railway purposes?
There would be a very long incline to reach it; I apprehend there would be no other difficulty.

1197. Earl *Grey.*] Do not the entrances of the docks create some difficulty in getting to the level of the north side?
I am not able to answer that question with precision. My impression is that, with the exception of the very long incline, there is very little difficulty in getting down to the Tunnel.

1198. *Chairman.*] Will you proceed with your suggestions?
Branches should run into or near all large markets; and new markets might be expected to be placed upon the lines of or contiguous to the railways. That system is now being established by the projected lines which are to run into Smithfield Market, and the lines which already run close to the New Cattle Market. Until that is done, the driving of cattle through the streets, which is now a fearful nuisance on two days of the week throughout all the streets of London, cannot well be prevented. I think also a branch should run under the General Post Office. There will be no difficulty whatever in running a branch under the General Post Office from the Metropolitan Extension. I think by that means the largest portion of the mails might be despatched without the agency of vehicles at all; always assuming the system of intercommunication existing. I think also that numerous goods stations should be encouraged, and that, as a rule, all stations should be near to, but not in, main thoroughfares. I think it objectionable that a railway station should be in a main thoroughfare. The most convenient railway station in the Metropolis is probably that of the North Western at Euston-square. That is near very large and important thoroughfares, but not actually in them; therefore, the whole of the traffic finds its way through secondary streets and reaches the main thoroughfares at convenient places; it leaves the station without crowding all at once into one of the large main thoroughfares.

1199. Is there any great station actually in a main thoroughfare except the South Eastern?
There is the Shoreditch Station and the London Bridge Station. The Great Northern is not actually in a main thoroughfare; it is, surrounded by streets, but it is close to the main thoroughfare.

1200. Lord *Lyveden.*] Is not the station of the Midland in a great thoroughfare?
I do not know. There is the Victoria Station. Waterloo Station is close to a great thoroughfare. Of course, the objection to being near great thoroughfares depends on the traffic of the thoroughfares. If they are large main thoroughfares such as the Waterloo Road, the traffic of which is limited by the toll on the bridge, the objection does not apply with equal force.

1201. Lord

1201. Lord *Stanley* of Alderley.] In point of fact, the whole of that traffic is probably traffic belonging to the railway?

No; there is a very large portion of the traffic which is not railway traffic.

1202. But there is not much goods traffic except what comes from the railway?

No, there is not much goods traffic. A considerable portion of that traffic, I have no doubt, will be transferred to Cannon-street as soon as the Cannon-street extension is completed. I also think that the Metropolis railways should, as far as practicable, be in tunnels or in cuttings. Where that is not practicable, and bridges must cross public ways, as in some cases undoubtedly they must, there should be a Board charged with a controlling power in respect of their design and construction. The same control should exist with regard to the bridges crossing the Thames, and every available process preventing sound and the sight of the trains passing, the Board should have power to compel the companies to adopt.

1203. What sort of controlling body should you propose?

That is a point which trenches upon the question of Metropolis management which I am not prepared to answer you upon; it is a very serious question indeed.

1204. If the existing state of things remain, should you propose that that should be a joint Board with the Metropolitan Board of Works?

It must be some Board with very despotic powers. With regard to all bridges across public ways, probably the Local Board of the Metropolis might, within their own jurisdiction, have some decision as to the way in which the bridges should be constructed. If you want perfect management, you must have little short of a despotism with respect to the Metropolis; if you want everything done in the way it should be done, I should say the local jurisdictions as they exist are not sufficient; but it seems to me that the local boards might be charged with the control of bridges which go over the highways over which they at present may have the control. The Conservators of the Thames certainly might have a control over the bridges which are authorised to be made over the Thames. I mean not only in point of mere construction but irrespective of design generally.

1205. Are not the Conservators of the Thames a mixed body, composed partly of the representatives of the City, and partly composed of the Government?

Yes.

1206. Do you think that a similar body might properly be established for the purpose you have in view?

I think some Board with very ample powers should be constituted; but I would much prefer not to answer any questions upon the best board of management for the Metropolis. I may say that I have seen most of the large capitals of Europe, and am conversant with their municipal organisations; have formed some general conclusions upon the subject, but I hope I may be excused answering that question. I have another remark to offer: in the majority of instances it will not be practicable to construct a railway entirely beneath the existing surface of the streets of the Metropolis, even if the system upon which the Metropolitan Railway was laid out, be adopted. Property must therefore be taken for the purpose; and, as new lines of streets are also needed, it is desirable that lines of new street and the lines of railway should coincide, the street being upon the surface and the railway beneath it. The streets and railways being designed and executed in combination, a large economy would result. A Board, with funds and with sufficient powers, should exist to arrange with respect to the lines of streets and railway, and a mode could be adopted of determining the proportions of the expenses to be borne by the railway company and the public respectively. I rather imagine, from the numerous plans which have been deposited this year, that the success of the Metropolitan Railway has induced and will induce engineers to produce designs for railways beneath the surface. In a large number of cases they will not be able to go through the present streets of the Metropolis; and as new streets are eminently required, and certainly will be much more required as the population increases, it occurred to me a long time ago, that so far as combination could be made of railways and streets, it would result in economy in the construction of both. The streets of the Metropolis can now scarcely be constructed under a cost of, say, a million a mile in round numbers; and I think that will apply to any streets to be made within three miles west of

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the Bank. I am quite aware that there will be great difficulty in combining the interests, but I think it might be done. I am quite clear it ought to be attempted.

1207. Viscount *Eversley.*] Could it be done without interfering with the sewers?

There will be very little difficulty about the sewers on the north side of London, although there may be some difficulty on the southern side of the river; yet it is not an insuperable difficulty by any means. With regard to the north side of the Thames, which is the part at present most incumbered by traffic, there would be no difficulty whatever. There is such a fall from the whole of the northern range of hills towards the Thames, that there would be no difficulty whatever with regard to sewers. They would have to be cut up and reconstructed to a very large extent, but when other works are in progress the reconstruction of the sewers would be a very insignificant item. It might interfere, without due care, in one or two places with the scheme for the interception of the sewage to the Thames; but as there will only be three main lines of intercepting sewers running from the west to the east, with care, that difficulty might also be obviated; the interception scheme would of course have to be considered by anybody who came forward with a proposal of that kind.

1208. *Chairman.*] In connection with the question of uniting streets and railways, have you considered whether the Thames Embankment might be made available for a railway?

I do not think it could be made available advantageously for a subterranean line.

1209. Could it be made available in any way?

Looking at what is already accomplished in the way of Metropolitan Railways, it does not strike me as being an essential line of railway now.

1210. Earl *Grey.*] Would not a railway carried under the embankment afford a valuable communication if the new street in continuation of the Thames Embankment be made; if there was a broad street above and a railway beneath, would not that take a great deal of the traffic from the streets?

Looking at the Charing Cross Station, and at the station which will be in Farringdon-street, and the station in Cannon-street, it does not strike me, at this moment, as being an eminently desirable thing.

1211. Viscount *Eversley.*] A great part of the traffic would go by the Charing Cross Line to the station at Hungerford Market and Cannon-street?

Yes. That will accommodate a very large passenger traffic. I was not aware what questions the Committee would ask, but I thought it might be desirable to offer a general opinion on the subject, rather than go into any detail. The opinions which I have offered are in a mere outline and require consideration in their application. I have not been a schemer or designer of lines of railways myself; although I have investigated most of the metropolitan schemes, yet I have not been professionally concerned in designing or getting up any.

1212. *Chairman.*] With regard to the line you are describing, do you think it would be of advantage to have exchange platforms?

That is a matter of detail. It must entirely depend upon circumstances whether that is the traffic arrangement or not. I should say it would be desirable to have through lines as much as possible, and I think it can be accomplished. I think it will come to this, that there will be trains running north, south, east and west within the Metropolis every 10 minutes; not at great speeds, but at very moderate speeds and stopping at numerous stations.

1213. Earl *Grey.*] With reference to the communication between the great lines from the north to the rest of London, would it not be more convenient that that communication should be upon what are called exchange platforms, rather than the carriages should go through? For instance, if the carriages going to the north were to take their passengers anywhere in the City, and then go straight on to the north, everybody would crowd to these stations instead of going to Euston-square, whereas if they were carried by a line like the Metropolitan with exchange platforms, they would get out with their luggage at the main stations, where the trains are made up?

I apprehend that that will be the way in which the great mass of the traffic will be accommodated. That will be so between the metropolitan lines and the trunk

trunk lines; but I apprehend nevertheless that the trunk lines will at certain periods of the day run trains through London; for instance, I have very little doubt that if there is a direct line to Brighton in communication with the north (there is a Bill for one in Committee now, but I am not here advocating that line; I am merely using it as an illustration). Supposing that line did communicate direct with Brighton, passengers could come down the Great Western Railway to Paddington, and I have no doubt the train would run from Paddington right through to Balham, Kennington, or some other part of the Metropolis on the Brighton line, but I do not expect, as a rule, that the Great Western Railway, the North Western Railway, or the Great Northern Railway, will run their own carriages and their own engines over the Metropolitan line to the southern parts.

1214. Earl *Grey.*] It is not desirable that the Great Northern, the North Western, or the Midland should be always bringing their own carriages and engines further into London than they now do; if they did, would there not be a great accumulation at the points where they came to?

I do not see any objection to it myself, but I do not think there is any probability of their doing it except for one or two express trains, and then they must stop somewhere. I do not suppose that the Great Northern or the Great Western will run a train right down to Brighton.

1215. If they were to bring trains further into the centre of London, would not passengers be very anxious to get in at points most in the centre of London, rather than at Euston-square or King's Cross?

No doubt they would like to get in at the stations nearest their residences or places of business.

1216. Would not that create a demand for a very large station room in the centre of London?

No, I do not think it would; for instance, take Euston-square, supposing the direct trains were worked only certain hours of the day; I do not think anybody would come from Euston-square down to the City, or *vice versâ*, to get into that particular train, solely because it went through without changing.

1217. Supposing the North Western were likely to come forward to Leicester-square, would not a very large proportion of their passengers desire to get in at Leicester-square, rather than at Euston-square?

If they did not stop at Euston-square, of course.

1218. Would not Leicester-square be a more convenient place for a large proportion of passengers to get in than Euston-square?

It certainly would.

1219. Would there not be a great confusion at Leicester-square, if there was very much space devoted to that station?

There must be a very large space; and I suppose, in such a case, that practically, the station of the North Western at Euston-square would be transferred to Leicester-square.

1220. If they opened an additional station at Leicester-square, the carriages from which went right on to the north, would it not involve the necessity of making a great deal of station accommodation at Leicester-square, or else create great confusion?

It would involve a large amount of station accommodation at Leicester-square; but still nobody who was within a certain radius of the Euston Station would use the Leicester-square Station, if trains stopped at Euston. It is very difficult to give any opinion upon the details of a scheme, without having the whole scheme before one. I am quite convinced that the general principles which I have laid before the Committee are sound. I have no doubt traffic managers could manage it conveniently and safely.

1221. *Chairman.*] Can you give the Committee any information with regard to the actual state of the traffic in the metropolis?

I can; I had the traffic taken in some of the leading streets of the City in the year 1850, and I had them again taken last year; they were taken between 8 o'clock in the morning and 8 o'clock in the evening, the 12 most busy hours of the day at all periods of the year, and of course those hours during which the pressure of the traffic is most severely felt. I find that Blackfriars Bridge in 1850 during

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during those 12 hours, had 5,262 carriages over it passing both ways; in the year 1862 the number was 8,122; Cheapside in 1850 had 11,053, and, in 1862, 11,720; I will explain the reason of the slight increase afterwards. In the Poultry, in 1850, the number was 10,274, and in 1862, 10,336. Cheapside and the Poultry are not in themselves illustrations of the increase of traffic, because since the year 1850, New Cannon-street has been formed, and the traffic through New Cannon-street is between 5,000 and 6,000 vehicles daily. I infer as the traffic in the whole of the other streets running from the west and the City has very much increased, that Cannon-street has relieved Cheapside and Poultry to that extent.

1222. Lord *Stanley* of Alderley.] In point of fact, the additional traffic in Cannon-street should be added to the Cheapside and Poultry traffic to institute a fair comparison?

Yes.

1223. Lord *Somerhill.*] Is not the traffic in Cheapside and the Poultry now so great, that during the crowded parts of the day there could not be many more carriages pass than there are at present?

It would not be totally impossible, even supposing it had the whole of the traffic of Cannon-street added to it, because unfortunately during this last week, nearly the whole of the traffic of Cannon-street, owing to the operations of the gas and water companies, has been added to it; but it makes a most annoying and wearisome passage for vehicles to move on a few yards, and then stop a second or two, and then move on again; they do not move at a greater rate than two miles an hour; the distance can be walked very much quicker. The daily number of carriages through Temple Bar in 1850 was 7,741, in 1862, 10,557; London Bridge had 13,099 over it in 1850, and 19,698 in the year 1862. As the average of the London Bridge traffic may be taken as two-horse traffic, it follows that there are nearly 40,000 horses pass over that bridge daily. Newgate-street also, in the year 1850, had 6,375, and in 1862, 9,111 carriages over it. That is the increase between the years 1850 and 1862; 1862 was rather an exceptional year, and it is probably slightly in excess, though very slightly in excess of its natural traffic. Probably 5 per cent. or 6 per cent. might be taken off the 1862 traffic, and that will reduce it to the traffic which may be expected during the present year. This is an increase in spite of the great relief which has been afforded by the railway system, because the railway system as at present carried out, must have considerably relieved London Bridge. For instance, there is the Victoria-street Station, which has prevented a material increase of the traffic of London Bridge. Victoria-street, until the last three years, was a quiet street, with not more than 500 or 600 vehicles through it a day; I find there are now more than 3,000 in 12 hours. I had it taken the day before yesterday. In all railway communications it is not only the present wants that require attending to, but it is the future increments of traffic, owing to the increase of population. The last 50 years have given us the means of calculating the probable increase of the metropolis, it seems to have increased despite wars, commercial depression, and plagues. (When I say plagues I refer to the three cholera periods.) In the course of 37 years the population of the metropolis seems to have doubled, and the demand for transit increased in a larger ratio even than the population, because as it fills the outlying districts the commercial law of London seems to impel it to the centre, which is the City; so that demand is increasing at a larger ratio even than the population, and, unless some system is adopted for easing the traffic, London will be in a very unpleasant condition in the next 20 years. London requires both new streets, and additional railways, and pre-eminently additional railways.

1224. Earl *Grey.*] Is it not true that the increase of the traffic which you have described, large as it is, falls short of the increase in the wants of the population, and that the extreme inconvenience of carrying on that traffic prevents many people availing themselves of the roads who would do so?

There cannot be a doubt that that is so. People now living in the opposite suburbs of London are almost prevented visiting each other. I mean people in the middle classes of life; and even people keeping carriages of their own, if they wish to go, say, from Hampstead to Camberwell, find going through the centre of London a matter of extreme difficulty. If you go from east to west, the time

time occupied in the transit, the trouble and worry and annoyance you have to submit to almost prevent people from attempting it, unless absolutely compelled; it is something most tiresome, when you are reduced to a rate of two miles or two-and-a-half miles an hour in going through the City and the centre of the Metropolis.

1225. If there were more convenient modes of transit, the traffic would become very much larger than it is at present, where it is found to be so inconvenient?

Yes. There can be no doubt that a system of railway communication, such as I have described, would enormously increase the traffic, by stimulating travelling; but it would carry the traffic off the streets.

1226. Lord *Stanley* of Alderley.] How was the traffic accommodated recently, during the stoppage of Ludgate-hill?

I sent one of my assistants to ascertain the actual time it took to get from one part of the City to the other in a four-wheel carriage; I ascertained the time occupied by an omnibus in going from the western end of Ludgate-hill to the Statue of Sir Robert Peel in Cheapside, by way of Farringdon-street, Skinner-street, and Newgate-street. There was the natural traffic of Newgate-street in addition to the Ludgate-hill traffic, which was diverted from its natural route, and half of it turned into Newgate-street. The mean of 69 observations gave the time occupied in going that distance as 9 minutes; the distance was 867 yards, which is very nearly half-a-mile; therefore, it was at the rate of 3·28 miles per hour; that is smart walking pace.

1227. It included all stoppages?

Yes.

1228. *Chairman.*] During what hours was that?

Those were taken between eleven in the morning and one in the afternoon. The return traffic was started from St. Paul's Churchyard, and turned down Paul's Chain, Great Carter-lane, Earl-street, New Bridge-street, into Fleet-street; the mean of 35 observations gave 8 minutes as the time of transit, the distance 1067 yards, and the rate was 4·55 miles or 4½ miles. So that even with stoppage there was greater progress made than was the case in the other route. I may state that the police arrangements of the traffic upon those occasions are very admirable indeed; they are exceedingly well skilled in managing traffic under those circumstances. I may venture here to say that with regard to the police management, if powers were given to the police to determine the course which public vehicles might take, that it would prove greatly to the advantage of the public.

1229. Have you any other suggestion to offer, which you think would be useful to the Committee?

I have not.

The Witness is directed to withdraw.

JOSEPH CUBITT, Esq., is called in; and Examined as follows.

1230. *Chairman.*] Will you be so good as to tell the Committee whether you have at all considered the subject of railway communication through the Metropolis, both as regards the intercommunication of railways, and also as forming a substitute for the omnibus and cab traffic?

I have considered it only in a very general way; I have prepared no special scheme on the subject.

1231. Will you be good enough to state to the Committee what are the general results at which you have arrived?

Generally, a communication through the Metropolis connecting the north and south with the east and the west by railway, would be an extremely convenient mode of relieving the streets of their crowded traffic.

1232. Do you believe that it would be easy to lay down any general comprehensive system, which would relieve the requirements of the Metropolis in that respect?

I think

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I think that might be possible, but I am not prepared to put forth a scheme now; I feel very sanguine that it might be practicable.

1233. Do you think it would be possible at present to foresee the requirements of the Metropolis sufficiently to lay down a general plan which would be binding upon the Parliamentary Committees?

I think, with time for ample consideration, that a scheme might be produced.

1234. From your knowledge of railway companies, do you think it would be easy to obtain their acquiescence in any such general scheme?

I foresee that that will be about one of the most difficult parts of the matter. So much comes in now, besides engineering and mere physical facilities, that I could not say with much certainty how the railway companies might meet in any joint project. It would be very important to take the heavy traffic through the town, without coming through the streets at all.

1235. With regard to goods and coals, do you consider the best manner of taking them from the north and south, would be from the outside of the limits of the Metropolis, or to take them directly through it?

I should say the shorter way the better; irrespective of distance, I see no great choice whether they go through or round the metropolis.

1236 If you are of that opinion with regard to goods, I presume you are of the same opinion with regard to passengers?

Certainly.

1237. The evidence which has been given has been against any joint central station; do you concur in that opinion?

I have had to consider the subject a good deal; my own opinion is decidedly adverse to such a station as that. I think it would be hardly practicable to make it or to work it.

1238. Do you propose that there should be one great line which would accommodate all those railways north and south, or that they should have separate railway communications one with the other?

I think if any scheme could be laid out which would be available for several of them to come in and diverge from again, that that would be the most complete thing.

1239. What system should you recommend with regard to stations?

I would not bring any very large stations, such as the Great Northern or the North Western, any further into the town than they now are. I would rather collect at small intermediate stations, and send passengers on by the small trains to the more distant stations.

1240. And is it your opinion that the different railway companies should have their separate small stations within the limits of the metropolis for the purpose of distributing and collecting goods, but that they should form all their trains at, and continue to use as their principal stations, those which now exist?

That is very much my view.

1241. Have you considered what would be the best way of uniting the Great Eastern with the South Eastern?

No; I cannot say that I have not hitherto thought of that.

1242. Have you considered the subject with regard to affording a substitute for the omnibus and cab traffic in the interior of the town; have you thought of any scheme which would answer that purpose, such as the Metropolitan to a certain degree now does, as between the east and west?

I am not prepared with any particular route or any special scheme.

1243. Have you considered at all what conditions ought to be imposed with regard to the permission of any schemes embracing the passage through the Metropolis of railways; for example, I suppose you think they should not be on a level?

That of course would be impossible.

1244. Are you of opinion they should go above or under ground as a general rule?

There

There is an objection made in many special cases to crossing over streets. A scheme below the level of the streets would be a very nice way of effecting the object, so far as the streets themselves are concerned. *J. Cubitt, Esq.* 15th May 1863.

1245. Have you considered whether a new communication could not be made through the Metropolis by constructing at the same time a subterranean railway with a street above it, available for the ordinary traffic?

That is quite possible. No doubt recourse must be had to that sort of construction in many places to get there at all.

1246. Is there any information which you can give the Committee which would be useful in regard to the reference which has been made to them?

I am not prepared with any special suggestion which I wish to make.

The Witness is directed to withdraw.

GEORGE WILLOUGHBY HEMANS, Esquire, is called in, and examined as follows:

1247. *Chairman.*] HAVE you had your attention drawn to the subject of railway communication in the Metropolis? *G. W. Hemans, Esq.*

I have been lately engaged in considering very carefully the subject of the concentration of railways in Glasgow and Dublin; and from that I have to some extent considered the necessities of London in the same matter; but not sufficiently to be able to go minutely into details.

1248. Have you had your attention at all drawn to the subject of a railway in connexion with the Thames Embankment?

Yes; I was associated with Mr. Fowler and another gentleman in preparing the plan of a railway in connexion with the Thames Embankment.

1249. Can you explain to the Committee what has been the result of the inquiries that you have made?

In considering the questions at Glasgow and Dublin, which, although very large places, are so very much smaller than London, I found so much difficulty in collecting everything into one system of lines, particularly in giving facilities for goods as well as for passengers, that the conclusion in my mind is, that in London there must be more than one system. I have an impression very strongly that there must be two, if not three, systems of railways in London to do any good. For instance, my impression is that railways will be needed, and will probably be made in London for local traffic, such as omnibus traffic; that need not necessarily have any connexion with the general system of railways. They may begin at one point and terminate at another without having either level or rails in connexion with the through system. In fact, I believe it may be found more convenient to have such railways as that for many purposes; and next I think that to make goods trains traverse across the Metropolis will require separation from the passenger trains eventually. Of course I have only a general impression. I believe the goods business crossing London will be almost incompatible with carrying passengers extensively on the same lines.

1250. Then you think the same necessity exists for goods traffic to come across London instead of going round it as there might be for passengers?

I imagine that goods traffic going round London will have to encounter a great many junctions and difficulties in getting round, and that many articles, particularly coals, would be very inconveniently taken round a great many junctions. I think they ought to get across as shortly as possible through the town.

1251. How would you propose to separate the goods from the passengers?

I have not laid down any scheme for doing it in London, but I think it would be most important that some general consideration should be given to some mode of doing that, and some provision should be made for keeping goods trains as much as possible distinct from passenger trains.

1252. Would you propose to do it by quite different railways, or a different system of lines on the same railway?

The cheapest plan to adopt would probably be to lay down from three to four

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lines on the same course, and to devote either one or two of those to goods exclusively, and prevent them being used for passengers. That is a matter of detail; it might turn out on inquiry that a cheaper description of line, or in a less expensive quarter might be made solely for the conveyance of goods, whereas for passengers a line might be more conveniently laid out so as to pick up passengers in its course.

1253. Lord *Somerhill.*] You do not think it would answer to employ the same rails during six or seven hours of the night for goods exclusively, the other hours of the day being devoted to passengers exclusively.

My opinion is that the traffic will be too overflowing to enable it to be carried on for any length of time. I think it very probable that a system might be laid down by which that might be carried out. But the increase of traffic, particularly in coal, is so enormous that I think that any one entering into the consideration of a general system for London ought to endeavour to look forward to providing three sets of rails. I think one set of rails should be devoted to the local traffic, particularly from the east to the west, and one set of rails should be devoted exclusively to goods.

1254. From one side to the other, or for the local traffic of the town?

I think the interchange of goods traffic is chiefly from north to south. I do not think that a small local railway full of omnibus traffic will always be able to convey passengers to the stations for distant journeys. With regard to the Thames Embankment Railway, I have brought a plan which shows how it was intended to be carried out. It appears to me, that it is a pity that the opportunity which the Thames Embankment offers should be lost sight of. It appears that a station might be made at Westminster Bridge, by means of which a connexion by railway might be formed at Farringdon-street. The proposal in which I was associated with Mr. Fowler and a Mr. Fulton I will now, with the permission of the Committee, explain. The line would commence with a passenger station at Westminster Bridge, inside the proposed embankment, and at a level sufficiently low to pass in a covered way through the proposed extension of Richmond-terrace and Whitehall-gardens. The line would then be open, and parallel to the embankment, but separated from it by ornamental ground from 100′ to 150′ wide. It would pass, like the embankment road, under the Charing cross Bridge and under Waterloo Bridge, where there would be a station. Then the line might pass under Temple Gardens, as they are to be extended, or over them on a light viaduct, according as the Chatham and Dover Railway is to pass under or over Ludgate-hill, and a junction could be formed to the Farringdon-street Station, either at the high or low level.

1255. You propose to take the railway on the town side of the road?

Yes, so as to have a station which will communicate directly with the town; for instance, here it is necessary to divert it a good deal for the purpose of accommodating the Temple Gardens. If the London, Chatham, and Dover Railway is to go over Earl-street and Ludgate-hill, there will be no means of junction except by a bridge over Chatham-place.

1256. Lord *Stanley* of Alderley.] Would a railway so constructed interfere in any way with the sewage?

It is laid out so as to interfere in no way with the sewage.

1257. Earl *Grey.*] How far would the construction of this railway be consistent with the plans of the embankment which have now been decided upon?

I think that perhaps it would require a little modification; but I feel satisfied that some arrangement can be made to have the railway without any additional cost.

1258. You consider a railway mainly subterranean might be carried along the line of the embankment without any addition to the expense?

I am not quite sure that I should recommend it to be subterranean throughout the whole length of the embankment. I should propose to have it open where possible. I think, generally speaking, in London, railways ought to be subterranean rather than upon viaducts.

1259. An omnibus line of railway of that sort, communicating with the Metropolitan on the one side, and Westminster Bridge on the other, would be a great relief to the traffic in London, would it not?

No

No doubt it would. I think a station at Westminster Bridge would be convenient for many purposes.

1260. *Chairman.*] If the London, Chatham, and Dover line were not to cross Ludgate-hill, there would be no difficulty in bringing your proposed railway under Ludgate-hill, and so connect it with the Metropolitan?

No; I should make it subterranean across New Bridge-street. If the London, Chatham, and Dover is made subterranean under Ludgate-hill it would come out at the point of the Old Bailey.

1261. Earl *Grey.*] Would not that be very dangerous to St. Paul's Cathedral?

No; the Old Bailey is so far removed that it could not possibly affect St. Paul's Cathedral.

1262. We have been told that a very deep cutting, within a considerable distance of St. Paul's Cathedral, might affect the foundations?

Unless St. Paul's rests on a bed of water bearing sand, I cannot believe that the cutting would be dangerous. I scarcely believe that a building of that magnitude could stand upon beds of water bearing sand, because the sinking of wells and pumps around would affect the foundations, by abstracting the water from the bed of sand.

1263. Then you do not think the adoption of this scheme would endanger the Cathedral?

I do not believe that it would.

1264. Lord *Stanley* of Alderley.] Would not the working of the railway along this line be rather offensive to the neighbouring houses?

It might if measures were not taken to prevent it.

1265. Would it be possible to construct a glass cover over the whole length?

Certainly, quite possible.

1266. Would the expense of that be very heavy?

No; but I should not think it would affect the houses; they are very far removed.

1267. I am supposing that a similar class of houses would be built, such as is contemplated?

In such a case, I think it is desirable that it should be glassed over.

1268. Could that be done at a moderate cost?

Roofing the whole of it might be done at the cost of 1 *l.* per superficial yard.

1269. Viscount *Eversley.*] How far would they run from the embankment?

In this case it was divided in some places 150 feet; I suppose on the average about 100 feet.

1270. Earl *Grey.*] Do you think that the plan as sanctioned by Parliament fully admits of a railway being made in the way you propose?

I think so. I think if a portion of the land which is proposed to be reclaimed were devoted to it, that it would be better than making it altogether a subterranean line. I am sure that a subterranean line is better and less obstructive to the streets of London than a line on a viaduct, as a general rule; but it is not good to be in tunnel longer than anyone can help, because it is difficult to deal with the smoke. A quantity of smoke in a long tunnel without any breaks would be very disagreeable.

1271. Earl *Grey.*] Would it not be much more easy to make a proper ventilation than it was in the case of the Metropolitan.

Yes, it would be very easy to make openings in the Thames embankment for the purposes of ventilation. The Thames embankment will be only four feet above high tide throughout, so that the ventilators could not be in the river side. On the land side the ventilating shafts might be carried out. I merely mention this line incidentally, because it is a pity to lose sight of it before these works are commenced.

1272. *Chairman.*] Is there any other point you wish to state to the Committee with regard to Dublin and Glasgow?

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I think the only other observation which I have to make is, that I believe I agree with other engineers that any attempt to bring all the lines into one central focus would not be useful or advantageous in London.

1273. Lord *Somerhill.*] I understood you to say that inconvenience would be found from the various different railways, which you seem to contemplate as desirable for London, being on different levels; do you mean all to be subterranean, or some on the level of the ground, and some on viaduct?

I think, if possible, that all railways going through London should be subterranean, so as to go under the streets instead of over them. I see no great advantage or necessity in having what I should call omnibus lines connected with the others. My reason is, that I think the omnibus line will be so crowded with traffic, that it will be impossible to use it in connexion with the through lines.

1274. Would you connect those omnibus lines one with another?

It might be useful in some places; but I think not to a great extent. There are such defined streams of traffic in London, that I think a subterranean railway might be laid out which would pay very well to convey them without any connexion with others. I think it is worthy of consideration whether it would not be cheaper to take some of those subterranean lines through the back streets instead of attempting to accommodate the great traffic in London. It might be a very great convenience to make a subterranean line along Oxford-street. I think it would be worthy of consideration, whether a line may not be carried under the surface as a subterranean line, without any necessity for a connexion with the through lines. The great difficulty of subterranean lines is to get out of them, and to get up to the level of the surrounding lines.

1275. Do you contemplate subterranean lines in Glasgow and Dublin?

In Dublin I took great pains to make the line subterranean, for the purposes of avoiding the great interference with the streets, which has been contemplated in Dublin by other parties, and I succeeded in finding a line which would be entirely subterranean, except at the central station, which would be on the level. The ground is very sidelong, and is just suitable for that. In Glasgow the plan which I have laid out is partly subterranean, and, for a short distance, over head.

The Witness is directed to withdraw.

Ordered, That the Committee be adjourned till Monday next, Two o'clock.

Die Lunæ, 18° *Maii* 1863.

LORDS PRESENT:

The LORD PRESIDENT.	Lord STANLEY of Alderley.
Earl GREY.	Lord BELPER.
Earl of LONSDALE.	Lord LYVEDEN.
Viscount EVERSLEY.	Lord TAUNTON.
Lord REDESDALE.	

THE LORD PRESIDENT in the Chair.

Evidence on Metropolitan Railway Communication.

J. W. Bazalgette, Esq.

18th May 1863.

JOSEPH WILLIAM BAZALGETTE, Esquire, is called in, and examined as follows:

1276. *Chairman.*] WILL you state to the Committee what position you hold?

I am the Engineer of the Metropolitan Board of Works.

1277. In that capacity, have you had your attention at all drawn to the subject which this Committee is considering, of railway communication within the limits of the Metropolis?

My attention for some time past has been drawn to the effect of railways upon the sewers and streets of the metropolis. But since the alteration of the Standing Orders of the House of Commons my attention has been directed to the general features of the lines of railway proposed during the present Session.

1278. Can you state to the Committee the result of your observations upon the general question of the best mode of Metropolitan Railway Communication?

The impression I have formed is, that a satisfactory system of railway communication in London can only be effected by the general combined operation of the various parties interested; and it has occurred to me that a Commission might consider the subject advantageously with a view to devise a general system of railway communication. My idea is, that the proprietors of each terminal station might send a representative to such a Commission; that the Board of Trade, and the Metropolitan Board of Works and other parties having the interest of the Metropolis at heart, might together devise a general system, and that such a system might be carried out satisfactorily in connexion with street improvements with great economy; and if so, that body might adjust the management, and what proportion of the expenses should be paid by each of the parties deriving benefit, and if they could not agree upon this point they might refer it to arbitration, or something of that kind. If such a system were devised, and it were not desirable, or the parties were unwilling, to carry out the whole system at once, portions of such system might be carried out as the parties were prepared to do so.

1279. Would not parties be always prepared to carry out the cheap and the most lucrative parts, leaving the more expensive parts to their fate?

I think that they would, excepting such a body as the Board of Works. The only object they would have would be to get what was most advantageous to the public.

1280. But you do not propose that the Board of Works should be at the expense of constructing?

I think that if some important street improvements could be carried out advantageously in connexion with an improved railway communication, that a part of that expense should fall upon the ratepayers, and that though the whole system

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might take a long time in completion, each step would be a step in the right direction.

1281. I presume, with regard to any railway communication with the City, you would think that the Corporation of the City of London should be represented?
Yes, I think so.

1282. Then would you suggest that such a Commission should go to considerable expense in ascertaining facts with regard to gradients, and all the other preliminary considerations necessary to the tracing out of the line of railway?
I do not think that any considerable expense need be gone to. There are levels all over London very accurately taken, and therefore, with reference to the designing of the gradients, and the general outline, the design would not be very expensive. I would not propose in that case to go into details.

1283. In order to arrive at a fair judgment, a valuation of property would be required, would it not?
It would.

1284. Lord *Taunton.*] Do you propose that the Commission should take evidence?
I did not propose that. My idea was that they would be practical men who would be selected, probably engineers representing the railway companies, and who would be able to form their own opinions. I assumed that they would be the most competent men to join in such a thing.

1285. Have you at all considered the subject so as to suggest any general scheme of your own without going into very great details, which, in your opinion, would meet the requirements of the Metropolis at the present moment?
I am not prepared at the present time to suggest any scheme. There are one or two lines which seem obviously advantageous. I think a line from Westminster Bridge, along the Thames Embankment and the new street proposed to the Mansion House, forming a connexion between the railway terminus at Charing Cross, to which point a railway from the northern stations might be brought, and thence going on to Cannon-street Station, passing the London, Chatham and Dover, and forming a communication with the Great Eastern and North London Railways, would be desirable.

1286. There would be a temptation to a private company to make certain portions of that line, because I presume it would be an economical line to make along the Thames Embankment?
It would be very economical.

1287. And I suppose it would also be economical if proper arrangements were made along the new street, as suggested?
I think so.

1288. And then there would be a certain amount of very expensive property that you would have to take?
There would; that is, if it were proposed to go further eastward; then it would become very expensive; but I think in the case of a railway company being permitted to take that line, that they should be prepared to make some considerable contribution towards the formation of the street. It would be economical for them, and it would be more advantageous to the Metropolis that money should be expended on those improvements. In fact, some gentlemen representing some of the railway companies, as soon as we got the Thames Embankment Act, communicated with me upon the subject, and said if they could construct a line along the Thames Embankment, they would be prepared to subscribe a sufficient amount to the Board of Works to enable them to construct their new street to the Mansion House; which seems reasonable.

1289. Lord *Redesdale.*] Ought they not to contribute, in the first instance, towards the construction of the embankment?
Yes. I simply give that as their suggestion. The manner in which the money should be appropriated would be a matter of consideration, no doubt. The embankment would be first.

1290. Do you think there would be any peculiar advantage in a railway ending at Westminster Bridge?
I think there would.

1291. A railway

1291. A railway along the embankment would pass under the Charing Cross Railway?
It would.

1292. And it would have no direct communication with Charing Cross?
No.

1293. I presume you would propose that it should pass under Bridge-street, Blackfriars?
Yes; I believe it is possible to form a connexion by rails with the London, Chatham and Dover Railway at Bridge-street, Blackfriars, by keeping down their rails a little. But all those are matters of detail which I am not prepared to give a decided opinion upon.

1294. Would you propose that the railway should be under or by the side of the railway along the embankment?
On the first blush of the thing, probably at the side; but I should not like to give a decided opinion upon that matter without more consideration.

1295. Do you conceive that a railway by the side of the roadway, for instance, passing under one arch of Waterloo Bridge, which has, I think, a span of 120 feet, would be very convenient or very sightly?
I think not at all. I think in that case it would certainly have to go under the roadway.

1296. Do you believe that there would be room for a railway under the roadway, at the same time room for the roadway under the arch of Waterloo Bridge?
Yes, plenty of room.

1297. What height is the embankment to be under Waterloo Bridge?
Four feet above Trinity high-water mark.

1298. You would not put the railway below high-water mark?
Yes, in that case I should put it between high and low water mark.

1299. If I recollect rightly, high-water mark comes up nearly to the springing of the arch of Waterloo Bridge?
Yes, it does; it would be under high-water mark.

1300. It must be more than under high-water mark?
Yes, it would be.

1301. Is not the low-level sewer also to pass under the embankment?
It is. The railway would in that case drain into the low-level sewer, and the low-level sewer would be the thing which would enable us to construct the railway between high and low-water mark.

1302. How much is the low-level sewer to be under the roadway?
The low-level sewer is a little below the level of low-water mark, and will therefore be about 22 feet below the roadway. That is the bottom of the low-level sewer, and it is there about five feet in diameter, or five feet six; but if we were pressed for room, it could be depressed and divided into two iron tubes, or something of that kind, or constructed by the side of the roadway.

1303. *Chairman.*] In short, you see no engineering difficulty with regard to a railway in connection with the sewers and with the roadway?
I am sure it is quite possible.

1304. Lord *Redesdale.*] Would the railway in any way disfigure the embankment?
It would be possible to make a tunnelled railway from one end to the other, excepting at Blackfriars Bridge, where the roadway is upon the arch, and there is a dock at the back of it: there it would be necessary for the company to purchase the City Gas Works, and to fill that in solid. They could not fill it in solid without purchasing the City Gas Works, it would so interfere with their traffic; therefore they would have to purchase that site, and probably they would make a railway station there on part of it.

1305. Earl *Grey.*] There would be no objection to that, would there?
I see none; it is costly, but it is quite feasible.

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1306. Viscount *Eversley.*] Do you propose that the railway should be carried underground from Blackfriars Bridge to the Mansion House, under the new street?

Where it goes under the new street, certainly.

1307. There would be no difficulty in that, I presume?

There would be some difficulty. The street is to have a subway under it, which is to have passages to the houses, and the low-level sewer as well, and it would be rather crowded to get a railway with a subway and sewer all underground; but I think it can be managed; I have no doubt it can be managed.

1308. Lord *Redesdale.*] If I recollect right, the only approaches to the embankment are by Norfolk-street by a sloping street from Waterloo Bridge, and by a street at Whitehall?

All the cross streets will be connected with that sloping street, and therefore all the streets in the Strand, would run down on to the Thames Embankment roadway. They would be connected with the sloping street by a high-level road from Waterloo Bridge running down to the railway opposite Charing Cross.

1309. Those streets are very few. I put these questions because it appears to me that a railway along the embankment would be one which would afford very few approaches to stations which would serve the public?

The low-level railway would not have a direct connexion with the rails of the different stations; but the stations that would be connected would be Charing Cross, London, Chatham and Dover, at Blackfriars Bridge, and the Cannon-street Station.

1310. How many people do you suppose would wish to travel from either the Cannon-street Station, the London, Chatham and Dover, or the Hungerford Station, to Westminster Bridge, or between those three stations respectively?

I think there would be a great many persons passing between those stations; but I take a more extended view of it. I conceive at the same time a line connecting the Eastern Counties with the Cannon-street Station, and a line connecting the London and North-Western and the Great Western with the Charing Cross Railway. Taking that view of it, it would enable passengers coming into London to go rapidly from one station to another, and get through London quickly without taking cabs, by almost any route.

1311. I think you stated, if I understood you rightly, that a Charing Cross Station level would not admit of a junction?

No.

1312. Do you not believe that from Charing Cross to Cannon-street, the above-ground railway which is now in the course of construction would be always the preferred route?

My notion is, that a railway along the embankment would pay, irrespective of that by simply taking passengers from Westminster into the City. If there were quarter-hour trains arranged, I think there would be an immense amount of traffic along the underground railway.

1313. Do you not consider that the approaches to the stations on the railway along the embankment would be excessively inconvenient for any large amount of population?

No; I think not so inconvenient as many of the approaches to railways at the present time. I should state that I think there is one great defect in the approaches to the roadway of the Thames Embankment at the present time, and that is, that there is not a direct approach from Charing Cross; but I think that may very easily be cured, and I think it will be cured at a future time. Then I think that the line from Charing Cross, taking Regent-street, Piccadilly, Pall Mall, and all that neighbourhood through to Charing Cross, along the embankment to the City, will be the line taken by everyone going to the City. It is a so much better roadway than any roadway we have from east to west in point of gradients; it will make an immense difference in getting into the City; I believe it will take all the quick traffic. You avoid Ludgate-hill and Holborn-hill, and you avoid the block round St. Paul's. It is a circuitous route round St. Paul's. By the embankment will be the shortest by far, and the best route from east to west.

1314 *Chairman.*]

1314. *Chairman.*] And it will be one of the most economical lines that can be made in the Metropolis on account of the cheapness of the land?—Yes, I think it will.

1315. Earl *Grey.*] If there was a railway to the City, I presume people would not go much in carriages?

No.

1316. Therefore, the deficiency of roads to the Embankment would not be of so much consequence?

I think there are always a great number of persons coming from Westminster into the City, and there will be a good approach to Westminster.

1317. During the Session of Parliament, would there not be a large traffic by this railway from Waterloo Bridge to Westminster by persons attending the Committees and other business in Parliament?

Yes; that is one point. I think there would be a great number of persons coming from Westminster to the City. Then, again, if there was a direct communication from Charing Cross by the Charing Cross Railway to the other stations, there would be a great traffic in that way.

1318. Lord *Redesdale.*] How many omnibuses at present run from Westminster Bridge to the City?

I can hardly tell; but a large number of people go by the boats.

1319. Lord *Stanley* of Alderley.] Have you any estimate of the number of people who go by the boats between London Bridge and Westminster Bridge?

I have not; but I have always heard it stated by the projectors of railway schemes from Westminster to London Bridge as very large.

1320. Would not a railway along the Embankment be available for all the traffic which now goes by the steamboats?—It would; and I think it would take them.

1321. That traffic amounts to a very large number of persons, does it not?

I believe it does.

1322. *Chairman.*] Have you come to any definite opinion as to the level on which the Metropolitan Railways should be made, or do you consider that that depends on the different districts?

I think it is very desirable, as far as possible, to have all Metropolitan Railways underground.

1323. Do you think that that would be possible in the northern part.

I think it is quite possible.

1324. Does it often happen with reference to subterranean railways, that after a plan has been well considered, there are insuperable difficulties with regard to the sewers?

Some routes might be impracticable on account of the sewers; but I believe that all the important communications can be made. Where there are deep lines of sewers in some of the routes, communications could not very well be effected, but with an alteration of the routes, I think all necessary communications might be made underground.

1325. Have you at all considered what would be the best system of communication between the north and south of the Thames by railway?

I cannot say I have maturely considered it. I have had one or two lines under my consideration, and I certainly see one that looks well, connecting the North London, the North Western, and the Great Western at Charing Cross, which would effect a good line of communication through London between the thoroughfares north and south.

1326. On the surface?

Yes; the property would have to be purchased but it would enable the roadway to be widened and improved with advantage; the continuation of Tottenham Court Road might be very much improved in connexion with it.

1327. Lord *Redesdale.*] Where was that line to come?

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The line was to come from near the North Western Station, down to a station at Charing Cross.

1328. Connected with the Metropolitan Railway?
Passing under the Metropolitan Railway.

1329. *Chairman.*] And continuing to what point?
To Charing Cross.

1330. Earl *Grey.*] Underground the whole way?
Underground the whole way.

1331. Lord *Redesdale.*] How was a communication to be effected with the Great Western?
By a very short branch at Kensal Green.

1332. So that it would run over the North Western, and connect the Great Western with the North Western at Kensal Green?
Yes.

1333. That would not answer for passengers, would it?
Yes, I think so.

1334. Which railway would it be worked by?
All those are matters of detail, which I have not fully considered; the suggestions which I am now making, are not matured views, I have just looked at this point to see how far a communication is practicable.

1335. *Chairman.*] You alluded just now to a change in the Standing Orders of the House of Commons. I think that change is giving a *locus standi* to the Metropolitan Board of Works, other than that which they would naturally have as proprietors of works, or owners of property?
Yes.

1336. Do you think there is any great advantage in that; does it not lead to more expense on the part of the Board of Works, and at the same time throw difficulties in the way of promoters?
I do not think it is attended with any serious expense to the Board of Works, except when they appear by counsel; there is the expense of attending before Committees, which I think is exceedingly desirable; I think the Bills deposited this year show that in many matters of detail they would have utterly ruined the thoroughfares of the Metropolis.

1337. How far do you think that object would be attained, if the plans and drawings were deposited with the Metropolitan Board of Works at the same time as they are deposited with the Board of Trade, and you had the duty thrown upon you of reporting upon them before they were referred to the Committees of the two Houses?
I think that most important; at the present time I am obliged to write to the engineers of the different projects, and ask them for copies of their plans as a matter of favour. A great deal of time is lost in obtaining the information, and sometimes it is got with difficulty. I do not think that these matters were looked after this year as well as they would have been if more time had been allowed; it was a kind of scramble.

1338. Do you happen to know what will be the amount for counsel's fees paid by the Board of Works this year?
I have no idea; I think not very heavy; I should imagine not.

1339. Lord *Taunton.*] Would you propose that this power of reporting should extend to any bills, except Railway Bills; for instance, would you propose that it should extend to a Bridge Bill, which would affect the Metropolis?
I think it very desirable that the Board should report upon all works affecting the Metropolis.

1340. You think you ought to report upon all of them to the Committee?
Yes, I think we should.

1341. Viscount *Eversley.*] Do you think you should be allowed to appear before the Committees upon all of them?

I think

I think we should be allowed to do so; I do not think it follows that we should appear upon all of them.

1342. You do not think reporting upon them would be sufficient, without appearing upon them?

I think hardly sufficient, because, supposing the report to be adverse to the railway company's project, they would appear by their counsel and engineers, and possibly put a different construction upon their intentions, which would require to be investigated fully before the Committee.

1343. Would not that involve your going to great expense?

In all those cases, it would involve the Board in the expense of counsel. They have their own solicitor and their own engineer, and therefore the expense would be mainly confined to counsel.

1344. Lord *Taunton.*] Should you think, generally speaking, that the power of appearing by witnesses would be sufficient without the necessity of employing counsel?

The Board have hitherto thought it desirable to employ counsel, but I think it might probably in many cases be sufficient if they could send their own witnesses to be examined by the Committee. There are certain points which a witness could easily explain to the Committee. For instance, the railway companies in many cases propose to narrow important roads. It is desirable that all streets should be kept wide, as wide as at present; and therefore, if a railway company wishes to construct a bridge over that street, it should be made of a width which would not contract the street. Headways of bridges, and slopes of road, are very important, and the railway companies, with a view to economy, have not at all considered these questions as they should do.

1345. *Chairman.*] Have you any other information which you think would be desirable for the Committee?

No; I think I have stated all my views.

1346. Lord *Redesdale.*] The Metropolitan Board of Works have the charge of constructing the Thames Embankment, have they not?

They have.

1347. When do they propose to commence?

They will be ready to commence next month, as far as the plans are concerned, but I do not know whether they will be able to obtain possession of the land by that time; therefore, the time when they commence must depend upon their communications with the Crown. They have to settle the compensation with the Crown through the Office of Woods and Forests, before they can begin.

1348. Will it be also desirable, supposing any scheme for a railway in connexion with the embankment, is to be considered, that they should not commence until such a scheme can be brought before the Committee?

I do not think that is necessary, because the first thing to be done will be to get in the foundations. The railway must be constructed behind the Embankment wall; therefore, I do not think there will be any delay arising from that.

1349. Earl *Grey.*] Will it not take a considerable time in, first of all, maturing a scheme for the railway, and then carrying it out?

A decision upon the railway 12 months hence, will be quite time enough.

1350. Lord *Redesdale.*] Were the plans for the Thames Embankment prepared by the Metropolitan Board of Works?

The detailed plans were.

1351. Why, if you consider it was necessary that there should be an approach from Trafalgar-square to the Embankment, was there no such scheme suggested in that plan?

The plans were originally submitted to Parliament by the Government.

1352. How is it, since the Board of Works are of opinion that an approach from Trafalgar-square would be so desirable, that no such proposal has been made?

Because it will take two or three years to complete the Embankment wall, and

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to fill in behind it, before they can construct any roadway upon it; therefore, there will be time during that period for them to consider the best communications, and if necessary go to Parliament for fresh power to construct them.

1353. Lord *Stanley* of Alderley.] Is there any reason why the Board of Works could not proceed with the construction of the embankment before they have got possession of the entire land?

They can proceed with the construction of the embankment as soon as they get possession of the foreshore of the river. They will not begin at once to take possession of the land required for the formation of the streets.

1354. Lord *Redesdale.*] Do they propose to commence to work along the whole of the land at the same time?

They propose to divide it into two contracts. To let the first contract from Westminster to Waterloo Bridge, and the second from Waterloo Bridge to Blackfriars Bridge. The work will be carried on at two or three different places at the same time, under each of those contracts.

The Witness is directed to withdraw.

Colonel WILLIAM YOLLAND, R.E., is again called in; and further Examined, as follows:

Colonel W. Yolland, R.E.

1355. *Chairman.*] I HAVE been informed that there are complaints with regard to the short notices with reference to the Metropolitan Bills; can you give the Committee any information as to that?

Not with reference particularly to the Metropolitan Bills, but generally with reference to the interval of time that elapses between the publication in the newspapers and the deposit of the Parliamentary plans, which interval is about a fortnight. The manner in which those notices are sometimes given, affords facilities for some of the schemes being pirated to a certain extent, inasmuch as all the notices are not published in the newspapers on the same day. Similar notices are then lodged by other parties, and surveyors are forthwith put to work in order to get up competing schemes.

1356. How would you propose to obviate those two inconveniences?

I think they might be obviated by obliging the first notice to be published on a certain day in the London, Edinburgh and Dublin "Gazette;" say, in the first, second or third "Gazette" in the month. That would give a longer time between the publication of the notices, and the deposit of the plans, books of reference, and sections, which would enable the plans to be better prepared; and it would also have the effect, to some extent, of limiting the number of plans, inasmuch as the notices would require to be inserted at an earlier period. If all the notices were published in the first "Gazette," say in the month of November, no preference would be shown, and no complaint of the kind alluded to could ensue for the future.

1357. Lord *Lyveden.*] After having heard all the evidence which has been given before this Committee, do you still adhere to the opinion which you expressed in your original examination, that a scheme could be laid down for a general metropolitan railway communication?

I do not think it would be impossible to lay down such a scheme; the difficulty would be to ensure its being carried out, inasmuch as the co-operation of the municipal bodies and railway companies would be required to make it feasible.

1358. *Chairman.*] Have you had sufficient time to consider the suggestion made by the last witness, that a Commission should be formed of rather a representative character, representing the public trustees, such as the Board of Trade, the Metropolitan Board of Works, and the Corporation of the City of London, together with representatives of the different railways having termini in London, who could agree upon some general scheme for a communication based partly on railways, and partly on new streets being opened?

I think

I think that might be done, but after the report of such a Commission had been received, the difficulty would probably still remain of inducing parties to take it up, unless the practice followed on the Continent of granting a concession were adopted.

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1359. Earl *Grey*.] Is it not probable that any good scheme would afford so good a scheme of paying, that people would be very glad to take it?

There is no doubt whatever that there may be many very good schemes. What will follow, if the present system continues, is, that the lucrative parts of the scheme will be taken up, and the expensive and non-lucrative parts will be allowed to drop altogether.

1360. Is not that a good reason for having one general scheme laid down by competent authority, the being enabled thereby to devise one scheme as a whole?

Yes, that is my opinion, although it is in opposition to the practice hitherto followed in this country.

APPENDIX.

Appendix A.

STREET TRAFFIC.

Table showing the number of Vehicles of all descriptions, passing by certain points in various main streets of the City of London, in the Years 1850, 1857, and 1862, between the hours of Eight a.m. and Eight p.m.

—	SITUATION.	Total of 12 Hours, in		
		1850.	1857.	1862.
The whole of these were taken in the months of June and July.	Aldgate, High-street, by City Boundary	4,754	6,503	8,306
	Aldersgate-street, by Fann-street	2,590	2,719	3,305
	Blackfriars Bridge	5,262	6,723	8,122
	Cheapside, by Foster-lane	11,053	13,512	11,720
	Cornhill, by Royal Exchange	4,916	5,256	4,945
	Finsbury Pavement, by South-place	4,460	5,062	5,211
	Holborn-hill, by St. Andrew's Church	6,906	10,078	10,987
	London Bridge	13,099	18,179	19,698
	Lower Thames-street, by Botolph-lane	1,380	1,732	1,370
	Ludgate-hill, by Pilgrim-street	6,829	10,626	9,532
	Newgate-street, by Old Bailey	6,375	8,341	9,111
	Poultry, by Mansion House	10,274	11,667	10,336
	Temple Bar Gate	7,741	9,883	10,557

* Cannon-street West was not formed in the year 1850.

William Haywood.

Guildhall, 15 May 1863.

I N D E X.

[*N. B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; and the Numerals following *First Rep.*, *Second Rep.*, *&c.* to the Paging of the several Reports.]

A.

ALLPORT, JAMES. (Analysis of his Evidence.)—Is manager of the Midland Railway, 503——Statement showing the enormous and increasing traffic of this railway in coal and iron, and the great importance of an independent extension of the Midland system into London, and of an intercommunication with the southern lines, 504 *et seq.*——Advantage of conveying the coal traffic from the northern to the southern railways, by a line round London, rather than through London, 504, 505. 511. 522——Heavy cost now incurred in sending coals from the Midland to the South Western and Brighton lines, 504. 525.

Importance of a line connecting the Charing Cross Station with the North Western, Midland, and Great Northern Railways; that is, for passengers and goods, but not for minerals, 504. 506–514. 522–524. 542—— Impracticability of a central station at Charing Cross, to be used as a general termini by the great companies, 507——Arrangements necessary in the event of the northern companies having a joint line to Charing Cross; that is, with a view to the line not being overcrowded with passenger traffic, or the streets blocked in the neighbourhood of the station, 507. 526–535.

Expediency of the proposed line to Charing Cross being made at the joint expense of all the companies interested, and of regulations on the subject being laid down by some independent authority, 507–510. 524——Obstacle to the use of the Thames Tunnel as a railway communication, on account of the badness of the gradients, 515–521——Advantage of a connexion between the Midland and Metropolitan lines, 535.

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General Scheme. Suggestion that the Committee should lay down a general scheme for adoption, and should recommend that any Bill conflicting therewith should not be allowed to pass, *Booth* 193–211——Probability of Colonel Yolland being able to submit a comprehensive scheme, which shall be satisfactory to the great railway companies, *ib.* 193, 194——Importance of a scheme being devised applicable to the whole metropolitan area, although it would be difficult to induce all the companies to agree to any one scheme, *Yolland* 337, 338.

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Enormous goods traffic now passing over the Blackwall Railway from the North Western and other lines, by means of the North London Railway; concentration of this traffic at warehouses in the Minories, *Wightman* 584——Great convenience if the immense goods traffic now deposited at the Minories had facilities of transfer across the Thames by a railway communication with the southern lines, *ib.*——Fallacy of the idea of running goods trains at night, *ib.* 592.

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An underground extension from the Great Eastern to the Metropolitan, at Finsbury, is very desirable, and may easily be effected; advantage of this extension over a connecting line, on arches, between Fenchurch-street and Cannon-street, *Haywood* 1166–1170. 1174–1182——The expense of a line from Cannon-street to Fenchurch-street would be a fatal objection, *ib.* 1177. 1182.

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Great Northern Railway. Object of the Great Northern Company to get nearer the centre of London, and to have an intercommunication with the lines south of the Thames, *Clarke* 345——Important advantage to the Great Northern Company if the scheme for an extension of their system to the Haymarket were carried out, *ib.* 350——Reference to the contemplated use by the Great Northern Company of the Metropolitan Line from King's Cross to Finsbury and Smithfield; necessity of doubling this portion of the Metropolitan Line adverted to, *ib.* 353–360——Satisfactory facilities to be possessed by the Great Northern Company when the Metropolitan is extended to Finsbury, and there is a line from Smithfield to the London, Chatham, and Dover line, at Earl-street, *ib.* 399–406.

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Grouping of Bills. Suggestion that all Bills proposing to sanction the construction of railways within the metropolitan railway district should originate in one House, and should be grouped together, and referred to the same Select Committee, *Third Rep.* v.

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Hammersmith and City Railway Bill. The Hammersmith and City Railway Bill should be allowed to go on, *Yolland* 137——The Committee are of opinion that this Bill should be allowed to proceed, *First Rep.* iii.

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Haymarket Extension (*Great Northern Line*). Particulars relative to the contemplated Haymarket extension of the Great Northern line, the use to be made of it respectively for goods and passengers, the quantity of ground required for the station, &c., *Clarke* 360 *et seq.*——Probable use of the proposed station in the Haymarket by the North Western and Midland Companies, as well as by the Great Northern; that is, for passengers only, *ib.* 407–412.

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direct through trains between the northern and southern trunk lines, if connected as contemplated by witness, 1213–1220——Information relative to the traffic of the principal thoroughfares in 1850 and in 1862; great increase, 1221, 1223.

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Hemans, George Willoughby. (Analysis of his Evidence.)—Has lately been considering the question of the concentration of railways in Glasgow and Dublin, and concludes that in the case of London there must be two or three different systems of railway communication, 1247. 1249——Was associated with Mr. Fowler and Mr. Fulton in preparing the plan of a railway in connexion with the Thames Embankment, 1248. 1254——Considers that a railway for omnibus traffic is needed, independently of any connexion with the general or existing system of railways, 1249. 1254. 1272–1274——Importance of goods trains across the metropolis being worked separately from passenger trains, 1249–1253——Advantage in the through goods traffic getting across London, rather than round it, 1250.

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I.

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Intercommunication between Railways. Suggestion that if practicable the Committee should lay down some scheme of intercommunication between the great railway systems north and south of the river, as the one ultimately to be adopted, *Booth* 193–211——Such scheme being arrived at, the Committee should recommend that no Bill which would conflict with the scheme should be allowed to pass, *ib.* 193–205——Difficulty of laying down any scheme for connecting the termini north and south of the river, which may not interfere with future schemes for effecting local communications in the metropolis, *ib.* 198–202.

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Means of intercommunication already existing between all the railways in the metropolis; opinion as to the general sufficiency thereof, both as regards passengers and goods, *Scott* 865–884——Opinion that a route of intercommunication round London is far better, both for passengers and goods, than a direct communication between the termini through London, *Slight* 889. 890. 904, 905——Considerable traffic over the connecting line between the railways on the North and the South Western Railway, *Mansel* 930, 931——Twofold means of communication between the lines on the north and south, that is, by the West London Extension, and by the London, Chatham, and Dover at Farringdon-street, *Fowler* 935,* 939. 959. 964.

Advantage of intercommunication between the main trunk lines, *Thwaites* 1025. 1034–1037——Necessity of dealing with the metropolis as though it were a series of towns requiring intercommunication, *Brunlees* 1122——The termini should be connected so as to accommodate through traffic, *Baker* 1151.

Witness considers it very important that the railways north and south of the Thames be brought into direct intercommunication, *Haywood* 1166. 1172——Expediency of the whole system of Metropolitan railways being as much as possible in intercommunication, so that passengers getting in at any station may arrive as close as possible to their destination, without the necessity of leaving the railway, and driving or walking through the streets, *ib.* 1171–1173. 1184——Importance of a railway bridge over the Thames at Tower-hill; practicability thereof, without interfering with the shipping, *ib.* 1184. 1186–1195——Anticipated running of some through trains between the northern and southern trunk lines, if connected as contemplated by witness, *ib.* 1213–1220.

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tion, but considers that a connexion of the lines north and south, and east and west, would greatly relieve the streets, *Cubitt* 1230, 1231. 1235, 1236. 1242. 1246.

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L.

Legislation. Suggestion that certain means should be taken to render future legislation conformable with the principles laid down by the Committee, *Third Rep.* v.——*See* also *Select Committees.*

Leicester-square Market Bill. Satisfactory result of the opposition of the Metropolitan Board of Works to the Leicester-square Market Bill, *Thwaites* 1060.

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Liverpool-street to Cannon-street. Facility, by means of a line between the new stations in Liverpool-street and Cannon-street, of communication between the North Western and other lines and the South Eastern line, *Cawkwell* 449. 452, 453. 493–498——Great expense of a connecting line between the new stations in Cannon-street and Liverpool-street, *Eborall* 667—— Several projects for uniting the north London system with the southern lines; the most direct means would be a connecting line between the new termini in Liverpool-street and Cannon-street, *Mansel* 911, 912——Obstacle, on account of the immense expense, to connecting the new stations in Liverpool-street and Cannon-street, *Fowler* 987, 988—— Usefulness of a connexion between the stations at Liverpool-street and Cannon street, *Baker* 1135.——*See* also *London and North Western Railway.*

London, Brighton, and South Coast Railway. Very satisfactory results derived by the Brighton and South Coast Company from the extension of their system to Pimlico, *Slight* 886, 887——Satisfactory communication between the Brighton line and the lines on the north of London, by means of the West London Extension Railway; system of through booking established, *ib.* 888–893——Twofold means of the Brighton Company for effecting communication with the Great Northern, *ib.* 894. 904, 905——Serious obstacles to the traffic of the Brighton line to London Bridge going over the Charing Cross Railway, *ib.* 896–901——Importance to the Brighton Company of a communication *viâ* the Thames Tunnel with the Great Eastern line, and the metropolitan districts to the north and east, *ib.* 902, 903.

London, Chatham, and Dover Railway. Power already of the London, Chatham, and Dover Company to join the Metropolitan at Farringdon-street; this power expires in August, but notices have been given for the acquisition of the land, *Yolland* 43–52. 59–61.

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London, Chatham, and Dover Railway (No. 1) *Bill.* No instructions have been given by the promoters about withdrawing the Thames Branch Bill of the London, Chatham, and Dover Railway, *Coates* 188–190.

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London and North Western Railway. Nature of the present opportunities of the London and North Western Railway Company for bringing their traffic into the City, and for communicating with the lines west and south; want of intercommunication with the South Eastern and London, Chatham, and Dover lines, *Cawkwell* 439-448. 482-492. 502——The Company do not at present propose any communication with the Metropolitan line, *ib.* 446——Circumstance of the North Western Company having at one time contemplated an underground line from Euston-square to Charing Cross, *ib.* 454, 455——Reluctance of the North Western Company to incur much expense in order to send passengers to Charing Cross, *ib.* 482——Doubt whether the Company could reduce the charge to the public for cartage if they had a central goods depot, *ib.* 499-501.

Progress being made with the construction of a line from Kingsland, on the North London Railway, to Liverpool-street in the City, five acres of land being secured at Liverpool-street for a station; important use to be made of this line and station by the North Western Company, *Baker* 1124. 1126-1129——Project, two years ago, for a connecting line between the Euston-square and Charing Cross termini, with a large passenger station in Leicester-square; difficulty on account of the expense, *ib.* 1124, 1125. 1130-1132. 1152-1156——Sufficiently good accommodation from the North Western to the Brighton and South Western lines, and to the London, Chatham, and Dover, *ib.* 1132-1135. 1157-1163.

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London Railway (Victoria Section) Bill. Recommendation that the London Railway (Victoria Section) Bill be not allowed to proceed, *Yolland* 72. 103-107——It is not proposed by the promoters to withdraw any portion of the London Railway (Victoria Section) Bill, *Coates* 184——Opinion of the Committee that the Bill should not be allowed to proceed, *First Rep.* iii.

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Ludgate Station and Junction Railway Bill. Statement to the effect that the Ludgate Station and Junction Railway Bill should be allowed to proceed, but that a condition be attached, requiring the line to pass under, instead of over, Ludgate-hill, *Yolland* 42-58. 135——Approval of the Ludgate Station, &c. Bill being allowed to proceed in the usual course, *Fane* 160, 161.

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Mansel, Robert Stanley. (Analysis of his Evidence.)—Is manager of the North London Railway, 906——Description of the course of the North London line, and of its communications with other railways, 907-909. 920-922——It communicates with all the railways north of the Thames, and with those on the south-western side of London, 907-909——The traffic proper of the line is an omnibus traffic, and it is only used by the North Western and other Companies for goods and minerals, 909. 913-917.

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Importance of the power of the Metropolitan Board to oppose Private Bills affecting the metropolis; the expense is not heavy, *Bazalgette,* 1335–1338——Great advantage if the Metropolitan Board were to report upon all such Bills; expediency of their having, also, full facility to appear before the Committees, *ib.* 1337–1344.

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METROPOLITAN RAILWAY:

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REPORT

FROM THE

REFORM CLUB
PALL MALL

SELECT COMMITTEE

ON

PRIVATE BILL LEGISLATION;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
24 *June* 1863.

Martis, 17° *die Februarii*, 1863.

Ordered, THAT a Select Committee be appointed to inquire into the present system of Legislation with regard to Undertakings requiring the Authority of Private Acts of Parliament, and whether any Improvements can be made therein.

Veneris, 20° *die Februarii*, 1863.

Committee nominated of—

Mr. Milner Gibson.	Mr. Walpole.
Mr. Lowe.	Mr. Massey.
Colonel Wilson Patten.	Mr. Puller.
Mr. Adair.	Mr. Hassard.
Mr. Whalley.	Mr. Paull.
Mr. Richard Hodgson.	Mr. Charles Forster.
Lord Stanley.	Mr. Liddell.
Mr. Edward Pleydell Bouverie.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Ordered, THAT the Petition from Gloucester in favour of the Railway Bills Bill, be referred to the Committee.

Martis, 24° *die Februarii*, 1863.

Ordered, THAT Mr. Hassard be discharged from further attendance on the Committee; and that Mr. Hennessy be added thereto.

Martis, 3° *die Martii*, 1863.

Ordered, THAT the Report from Select Committee on Standing Orders Revision in Session 1862 be referred to the Committee.

Lunæ, 23° *die Martii*, 1863.

Ordered, THAT the copy of the Report of the Select Committee of the House of Lords on Proceedings on Private Bills, which was communicated on the 19th July 1858, and the Report of the Select Committee on Railway and Canal Legislation in Session 1858, be referred to the Committee.

Mercurii, 24° *die Junii*, 1863.

Ordered, That the Committee have power to report their Opinion and Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the present System of LEGISLATION with regard to Undertakings requiring the Authority of PRIVATE ACTS of PARLIAMENT, and whether any Improvements can be made therein;——HAVE considered the matters to them referred, and have agreed to the following REPORT:

YOUR Committee have proceeded diligently with the inquiry entrusted to them, and have examined a considerable number of persons practically acquainted with the Private Business of the two Houses of Parliament, including some Members of the House of Lords, and of your Committee, and have obtained much evidence, which, together with some valuable papers which have been furnished to your Committee, will be found in the Appendix to this Report.

There is a general concurrence of opinion among the witnesses examined by your Committee that the present system on which the Private Business is conducted is not satisfactory, chiefly on the ground of the length and costliness of the proceedings in contested cases; but there is a great diversity of opinion amongst them as to the changes that are required. All the witnesses however agree, that the ultimate decision upon opposed undertakings now requiring the sanction of special Acts ought still to rest with the Legislature; and, having regard to the character of the questions which arise on the consideration of contested Private Bills, your Committee is disposed to concur in the view entertained by the majority of the witnesses, that no court of inquiry could be constituted for the purpose of investigating such questions which, on the whole, would be so satisfactory to the public as Committees composed of Members of the Houses of Parliament.

Lord Redesdale has submitted to your Committee a scheme for the constitution of a Board consisting of one Peer and two Members of the House of Commons, who should sit through the autumn and winter to make preliminary inquiry into all Railway schemes proposed to be submitted to Parliament: the members of the Board to be paid. 645.

His Lordship proposes that no measure should be brought before Parliament which had not received the previous sanction of this Board. 649.

With respect to measures sanctioned by the Board against which petitions were presented, his Lordship recommends that these petitions should be referred to a Committee of experienced Members, who should say whether the petitioners should be heard; and, if so, to what extent; if this Committee reported that it was not expedient that the petition should be heard, the Bill would proceed as an unopposed Bill. 690.

Your Committee, although disposed to view with favour any plan calculated to have the effect of lessening the labours of the two Houses of Parliament in connexion with Private Bill Legislation, are unable to recommend the adoption of the plan proposed by Lord Redesdale, as they feel satisfied that the public would not acquiesce in the power proposed to be given to this Board to exclude from the consideration of Parliament such schemes as they might think not proper to be sanctioned. A like objection appears to your Committee to apply

to the power proposed to be given to the Committee of experienced Members of determining whether, or to what extent, petitioners should be allowed to be heard against measures sanctioned by the Board.

Earl Grey, 882. Mr. Rickards, 507. And Appendix.

Two schemes have been submitted to your Committee, the one by the Earl Grey, the other by Mr. Rickards, the Counsel to Mr. Speaker, having for their object to provide a new tribunal in connexion with the Board of Trade, to which certain classes of Bills should in the first instance be referred; and which should hear the promoters and opponents in open court in the same manner as they are now heard before Select Committees of the Houses of Parliament.

Each of these schemes contemplates that the decisions of this tribunal should (in the event of the Bill being entertained) be embodied in provisional orders, to be subject to the consideration of the Houses of Parliament.

882.

The scheme of Lord Grey contemplates that the petitions of parties opposing the provisional order, should be referred to a Standing Committee of the two Houses, the opponents giving security for costs; and if this Committee see ground to question the decision of the tribunal, either House may require the Bill to be referred to a Committee of two Peers and three Commoners.

511.

The scheme of Mr. Rickards contemplates that the House may, in the progress of the confirming Act, if it think fit, reopen the question, and refer the petitions of opposing parties to a Select Committee.

3004, 3008, 3037.

A tribunal of a somewhat different character was recommended by Mr. Erskine May, Clerk Assistant of the House of Commons. His scheme provides for the estal lishment of a judicial court, independent of the Executive Government, which shall perform all the functions and exercise the powers of Committees on Private Bills in both Houses.

As it is not proposed, in any of the last-mentioned schemes, absolutely to exclude either the promoters or the opponents of the Bills from bringing their case under the consideration of a Select Committee, when the House, as might not unfrequently happen, should think fit to order such reference, your Committee cannot but entertain the apprehension that, for the most part, in really contested cases, notwithstanding that the preliminary inquiry may have been in open court, and that any appeal would be at the risk of costs, as proposed by Lord Grey, so great would be the disposition of the parties interested to avail themselves of every chance, the proposed plan would often merely add one stage more to the inquiry.

2837.

These objections apply not less to the suggestion of Mr. Whalley, a Member of your Committee, to the effect that the merits of all Private Bills should be investigated by a permanent tribunal, to be specially constituted for that purpose, but in which he does not propose to vest the ultimate decision of the case.

3139, 3140.

Colonel Wilson Patten, a Member of your Committee, and examined before them, has expressed an opinion that a distinct tribunal out of the House might be established to ascertain the facts, such as whether the gradients are good, the traffic sufficient, &c.; and then the parties might be heard in Committee, their arguments to be founded on the information so previously obtained.

If it were possible, by Standing Orders or otherwise, to define the facts necessary to be proved with respect to certain classes of Bills in order to enable the Select Committee on a Private Bill of that class to decide as to the expediency of passing the Preamble, a preliminary inquiry of the kind suggested might usefully take place; but your Committee entertain strong doubts whether it is possible to say, beforehand, what are the facts in respect to classes of Bills which, when found, a Select Committee would consider material for the determination of the particular case before them. On the other hand, if the Select Committee in each case is to meet for the purpose of determining what are the facts which they deem it material to have ascertained by the proposed tribunal, it appears to your Committee, that the expense and delay arising from this mixed jurisdiction would more than outweigh any advantage likely to result from it.

Some suggestions have been offered by Mr. Booth, Secretary to the Board of Trade, in a paper delivered in by him, and also in his evidence, which, if they could be adopted, would have the effect of relieving Select Committees from a large portion of the contentious discussion now carried on before them. He suggests

167. Appendix, p. 354.

suggests for consideration, whether the time is not come for a change of policy with regard to railway undertakings, and whether freer scope may not now be given to the principle of competition among the promoters of those undertakings. He thinks the time fast approaching when railways must be looked upon as the ordinary highways of the country, and that all reasonable encouragement should therefore be afforded for their construction.

With this view, he recommends that the Select Committee should confine landowners opposing a Railway Bill to showing their own special objections to a new railway as affecting their own lands, without allowing them to dispute generally the Preamble of the Bill, and should refuse to hear a company, whose works are not interfered with, complaining that the new scheme would compete with their own line; and also that amalgamations and working arrangements between Companies should be sanctioned without reference to the question whether thereby a new scheme competing with the line of a third company would be created.

In favour of the adoption of the rule that landowners and rival companies should not be heard to question generally the Preamble of the Bill, Mr. Booth urges that the fact that responsible parties are prepared to apply their capital to the execution of the new railway, and to give adequate security for its completion, should be deemed to afford a sufficient *primâ facie* presumption that the undertaking will be for the public advantage, and that the Select Committee might be spared the necessity of taking evidence upon this point.

General Act for conferring certain powers, on compliance with its conditions being certified by a department.

The Chairman of Ways and Means, a Member of your Committee, gave some evidence; among other suggestions he thinks that general legislation might lay down certain conditions under which a department of the Government might sanction certain projects. The department, he proposes, should issue a certificate, which should be laid on the Table of the House; it would be referred probably to the Chairman of Ways and Means, and if no adverse report were presented within a limited time, the scheme would receive the final certificate of the department. If objected to, the project might be referred to a Committee. 810. 811.

This scheme, it will be seen, resembles that proposed in the paper delivered in by Mr. Booth, Appendix No. 1, with this difference, that Mr. Booth proposes that where all parties are consenting, the department should be empowered to issue its certificate immediately, to take effect on insertion in the Royal Gazette; whereas Mr. Massey proposes that in all cases the certificate should, before taking effect, be laid on the Table of the House.

On a comparison of these two proposals, it appears to your Committee that there is no sufficient reason why the promoters should not be allowed at once to proceed with the execution of their undertaking, or otherwise to exercise the powers conferred by the General Act, on the certificate of the department that they have complied with the conditions of that Act; and they think this course would afford advantages over the other, by avoiding the loss of time which would otherwise occur in the construction of the works, or the execution of the other powers sanctioned by the Act, and also by rendering it unnecessary for parties to regulate their proceedings with reference to the period of the meeting of Parliament.

Other witnesses concur in thinking that where all parties are assenting, certain powers now requiring the sanction of Private Acts of Parliament might be conferred by a General Act, so as to take effect on the certificate of a department of the Government that the conditions prescribed for that purpose by the Act had been complied with. Mr. Bidder, 2440. Mr. May, 2969. 2974. 2979. 2981. Mr. Baxter, 3247. 3270.

A recommendation on the above subject will be found among the Resolutions of your Committee.

Railways Clauses Consolidation Act.

The attention of your Committee has been called to the Railways Clauses Consolidation Acts of 1845—Acts which were then passed with the view of rendering unnecessary the insertion in each Act authorising the establishment of a railway of the provisions required for regulating its construction and management; and it has been represented that the great number of Railway Companies that have been established since 1845, and the further experience of the working of the railway system, have shown the necessity for many further provisions for their regulation, which are now commonly inserted in the Special Railway Acts. It has been suggested that these provisions, or such Mr. Booth, 9.

Appendix, p. 351. Lord Redesdale, 709.

of them as are of a general character, and also certain provisions commonly inserted in Waterworks Acts, might usefully be embodied in General Acts to be passed on the plan of the Acts of 1845.

Your Committee concur in this suggestion.

Double inquiry before two Select Committees.

Mr. Booth, 242. Earl Grey, 882. Mr. Bidder, 2403. Mr. May, 2956. Col. Wilson Patten, 3091. Mr. Baxter, 3252.

Several witnesses have expressed an opinion, that some expedient should be adopted for avoiding the double inquiry which now takes place when a Bill having been investigated by a Select Committee of one House is subjected to a second investigation by a Committee of the other House.

Your Committee concur in the view that much unnecessary expense and loss of time are occasioned by the existing practice of hearing witnesses and counsel twice over in every case which is contested in both Houses, and they think it desirable that an endeavour should be made to effect an arrangement by which a single hearing might be made to serve the purpose of a present double inquiry.

Some of the witnesses recommend an inquiry before a joint Committee of the two Houses. Instances of united inquiry by Committees composed of Peers and of Members of the House of Commons occur in the Records of Parliament. Hatsell, vol. iii, p. 38.

Various suggestions have been made as to the constitution of a joint Select Committee of the two Houses. By Lord Grey's plan the Committee would be composed of two Peers and three Members of the House of Commons. By Mr. Booth's plan it would consist of three Members of the House in which the Bill originates, one of them to be the Chairman, not having a vote except in case of equality, and of two Members of the other House. By Mr. May's plan there would be two Peers, of whom one would be the Chairman, with a second vote in case of equality, and three Members of the House of Commons. The last-named witness suggests, that in case of a system of joint inquiry being adopted, one-half of the Bills should originate in each House.

882, par. 15.

243.

2959.

Mr. Massey objects to the double inquiry, and he suggests, as a mode of avoiding it, that every opposed Private Bill which has passed a Select Committee of one House, should be dealt with as an unopposed Bill in the other, and referred only to the Chairman of Ways and Means, or the Chairman of Committees in the House of Lords, but that each House should, nevertheless, retain the power of referring any Bill to a Committee, if from special circumstances that course should appear desirable.

811.

A recommendation to this effect will be found among the Resolutions of your Committee.

Paid Chairmen.

Some suggestions have been made for the improvement of the constitution of the Select Committees of the House of Commons to which Private Bills are now referred. Your Committee particularly refer to the proposal of Mr. Adair, a Member of your Committee, and a gentleman who has had great experience in the Private Business of the House, for the appointment of paid Chairmen.

1088.

This proposal was to the following effect, viz., that the Speaker should at the commencement of each Session appoint three Members of six years' standing to be salaried Chairmen of Select Committees, who would sit continuously through the Session. For questions of amalgamation, and certain questions of an important character which the House might refer to them, and also in cases where all parties desired it, the three to sit as a Select Committee. In ordinary cases it is proposed that one of these Chairmen should sit, having two other Members

1089.

of the House associated with him as judges of facts: the associated Members to be required to sit for ten days only, or till the termination of the case. It is proposed that the Chairman should be the sole judge of *locus standi*—of the reception of evidence—of points of practice, and of the general conduct of the

1090.

case, and should have a second vote in matters of the Preamble, so as to be able

3249.

to stop a Bill to which he had an insuperable objection.

Another witness examined before your Committee, Mr. Baxter, has expressed an opinion favourable to the appointment of paid Chairmen.

On the other hand, Colonel Wilson Patten, whose experience in the House gives weight to his testimony, has expressed an opinion that the constitutional objection to having paid Chairmen would be so great, that it is not to be hoped

3085.

that the House would accede to it.

Your Committee are not prepared to recommend the adoption of this proposal.

Your

Your Committee are of opinion that, with a view of lessening in some degree the demand made on Members of the House to serve on Select Committees, the number of Members required to form a Select Committee on opposed Bills may properly be reduced to three, without diminishing the efficiency of the tribunal. Your Committee also recommend that the quorum be reduced to two. They further recommend that such Committees should be ordered to meet at eleven o'clock; and that no Member should be required to serve on a Private Bill Committee for more than ten sitting days in one Session, except for the purpose of closing the hearing of a case already commenced.

Statement and Counter Statement.

Two witnesses of great experience in the proceedings before Select Committees, Mr. Burke and Mr. Bidder, have suggested, as a mode of shortening the inquiry before the Select Committees, that a statement and counter statement should be lodged by the promoters and the opponents respectively of each Bill, setting forth the facts and allegations on which they severally rest their cases, and that they should be confined strictly to the proof of the matters so set forth, or such of them as may appear to the Select Committee to be material. Another witness, Mr. May, also thinks that some plan of preliminary statements might be adopted, but not extending to the whole case, lest they become voluminous special pleadings. Mr. Burke proposes that the statement should be in a tabulated form, and he suggests the particulars which (in the case of a Bill for a new line of railway, by way of example), the statement should contain. Mr. Bidder also, in a paper delivered in by him, suggests an example of such a form of statement and counter statement as he would propose.

13.

3035.

1219.

Appendix, p. 400.

Your Committee, however, entertain some doubt whether it would be practicable to prescribe, as suggested by Mr. Burke and Mr. Bidder, the particulars to be contained in the statement and counter statement with any such exactness as would prevent the parties from so framing them as to let in any evidence or line of argument which at the hearing it might appear to the leading counsel ought to be brought under the notice of the Committee. Your Committee are unwilling to recommend the adoption of this plan, as to which, whilst it appears to them that it must occasion some additional expense, they do not feel satisfied that it would tend materially to shorten the proceedings.

Awarding Costs.

The propriety of empowering Select Committees to award costs, as a check upon vexatious proceedings by promoters or opponents of Bills, has been brought under the consideration of your Committee. Several of the witnesses have been in favour of vesting a discretion for that purpose in the Select Committee on a Bill, some proposing to restrict the discretion within narrower limits than others. Your Committee have not been able to concur in recommending the adoption of this suggestion.

Mr. Massey, 830.
Earl Grey, 882.
Mr. Adair, 1090.
Mr. F. Smith, 2205.
Mr. Blenkinsop, 2532. 2611.
Mr. May, 3080.

Subscription Contract.

Some witnesses have expressed an opinion, that in lieu of the present system of providing security for the completion of the undertakings of new Companies by deposit of a certain proportion of the authorized Capital, or by a bond for the like amount, Parliament should recur to its former practice, abandoned four or five years ago, of requiring a subscription contract to be entered into, provided due caution be exercised in investigating the sufficiency of the subscribers. On this point, your Committee would remark, that the system of subscription contracts was abandoned because of the difficulty experienced in ascertaining that the subscribers were capable of meeting their engagements under the contract; and there does not appear to your Committee to be reason to think that the investigation could be made with more useful results, if the former practice were resumed.

Mr. Adair, 1146.
Mr. Coates, 1831.
Mr. Blenkinsop, 2706.

Counsel's Fees.

Of the various charges incident to the hearing of contested cases, one appears to your Committee to require special notice in this Report; viz., the high rate of the daily fees to counsel for attendance before Committees. Your Committee have been informed that for each day in which a contested Bill is under the consideration of the Committee, every counsel engaged in the case, besides having received a fee with his brief, which is never less than ten guineas, with a

five guinea retainer, receives a further fee of ten guineas for attendance, and five guineas for consultation, the daily rate of fees being the same for the leading and for the junior counsel.

The evidence of legal practitioners in Parliament which has been given before your Committee, shows that the scale of fees just mentioned, which are far higher than those that are paid for advocacy before the Superior Courts of Common Law, and the Courts of Equity, has the effect not only of greatly increasing the expense of proceedings before a Parliamentary Committee, and in many cases of preventing a party from resorting to the assistance of counsel, in which he would be desirous of it, but also of excluding from Parliamentary practice many members of the bar who, if the scale of fees were lower, would be employed before Committees.

There are various exceptional circumstances connected with the Parliamentary bar which may render it proper that the scale of fees at that bar should be more liberal than the ordinary scale of fees in general litigation. Amongst other reasons for this difference are the circumstances that business before Parliament continues for a much shorter period than the ordinary legal year; that counsel, practising in the Courts of Law or Equity are, when they attend before Committees, taken from their ordinary business.

It appears, however, to your Committee that, after giving due consideration to all the circumstances of the case, the daily fee of fifteen guineas is one considerably exceeding the rate which would be adequate remuneration for a large portion of the assistance which suitors before Parliament require from counsel; and your Committee believe that it also exceeds the rate which many junior counsel, even among those who are dedicating themselves to Parliamentary practice, would be willing to accept.

The information with which your Committee have been favoured by the Attorney General on the subject of counsel's fees, and which will be found in his evidence, satisfies your Committee that the uniform scale of daily fees which obtains at the Parliamentary bar, while it is one of comparatively recent origin, is not one established by rules that are recognised by the bar at large. The 2806. Attorney General has stated, that if a counsel think fit to take a brief before Parliament with fees below those ordinarily paid, he would not infringe any rule of etiquette of the bar in general.

Under these circumstances, your Committee entertain the hope that, with the concurrence of both branches of the legal profession, a modification of the present practice will take place which will allow counsel to be employed before Parliamentary Committees as in the ordinary Courts at such a liberal scale of fees as may be mutually satisfactory to the agents for the Bills and the counsel employed.

Charges for copies of Minutes of Evidence.

Appendix, p. 359.

Your Committee have examined Mr. Frere, the Taxing Master of the House, and have had before them a Report, containing a revised list of charges for Parliamentary agents, attornies, solicitors and others, submitted by him to the Speaker, in a letter dated 5th February 1863.

Your Committee have not thought it necessary to examine, in detail, the revised list of charges proposed by Mr. Frere, that subject being within the cognizance of Mr. Speaker, and already under his consideration, as recommended by the Standing Orders Committee of last Session. They, however, think it incumbent on them to express their views with respect to one of the established charges which Mr. Frere proposes, as your Committee think very properly, to reduce, viz., the solicitor's charge of 8 *d.* per folio, for copies of Minutes of Evidence. Those copies are, in fact, procured by the solicitor to be made at a cost of 2 *d.* per folio only, without any labour on his part, or on the part of his establishment; and when the copies are multiplied to the extent that is common in contested cases, the charge at 8 *d.* per folio, becomes a very large item in the expenses.

Your Committee have carefully considered the two papers annexed to Mr. Frere's Report, headed "Reasons against the proposed change in the Charge of copying Parliamentary Documents authorised by the existing Table of Fees," and "Notes on Fees of Parliamentary Agents," and also the evidence given by the professional witnesses who have been examined by your Committee; but it appears to them, that the existing system of remunerating solicitors by fees on copies of evidence is indefensible, and ought to be abolished. Your Committee

mittee are further of opinion that it is expedient that the Minutes of Evidence should be printed.

House Fees.

Some evidence has been given to the effect that the fees payable on Private Bills in the two Houses are higher than is required to compensate the Houses for the charges thrown upon them by the Private Business, and particular objection has been urged against the amount of the *ad valorem* fees in the House of Commons. Mr. Rickards, 348. Mr. Coates 1487.

Your Committee think this objection well founded; the trouble and expense incurred in Private Bill Legislation is in no respect dependent on the amount of capital sought to be raised; and though the magnitude of works, implied by the amount of capital, may frequently lead to contests, involving much labour and expense, the daily fees on appearance in Committee are the legitimate source from whence the additional cost is defrayed. Your Committee therefore recommend that the differential fee shall be abandoned.

Your Committee are of opinion that a communication should take place between the two Houses with reference to this subject.

Schedule in notice to owners, &c.

The attention of your Committee has been directed to the schedule, which in cases of Bills included in the second class is required by the 19th Standing Order to be annexed to the notices to owners, lessees and occupiers of lands and houses, in the form set forth in the Appendix to the Standing Orders, marked (A.)

The principal object of that schedule appears to be, to state whether the property alluded to in the notice is in the line, or within 11 yards of the line of the proposed work, or whether it is merely within the limits of deviation; and in the former case to show the greatest height of embankment and depth of cutting, when the property is intersected by the centre line.

Witnesses of experience have expressed to your Committee the opinion, that while the information given in that Schedule is practically of little use in any case, and in some cases may mislead the persons receiving the notice, the preparation of the Schedule forms a large proportion of the expense at present attending the giving the notices required by the 19th Standing Order. Mr. Coates, 1461. Mr. Baxter, 3243.

Mr. Bidder has recommended that, in lieu of the Schedule, there be sent with the notice a copy of a portion or portions of the deposited plan and section, sufficient to show the property referred to in the notice, and distinguishing such property by colour. 2264.

The change proposed by Mr. Bidder appears to your Committee an useful one, and a recommendation in favour of it will be found among the Resolutions at the foot of this Report.

And that your Committee are also of opinion that the notices required to be advertised in metropolitan papers (in addition to local newspapers), except the London, Edinburgh, and Dublin Gazettes, should be discontinued.

Your Committee have also agreed to the following Resolutions:

Resolved, That it is the opinion of this Committee:—

1. That a Bill or Bills founded on the principle of the Clauses Consolidation Acts should be prepared, and if possible passed this Session, for the further consolidation of the clauses usually contained in Railway Acts and other classes of Private Acts.

2. That a Bill be prepared and brought in for enabling new and existing Railway Companies, on compliance with conditions to be contained therein, such compliance to be certified by a department, to make new lines of railway and new railway works, when all parties are consenting, and also for accomplishing the following objects:

I. Giving power to two or more companies to enter into mutual arrangements for the working or use of their respective lines for limited periods.

II. Giving extension of time for the sale of superfluous lands by Railway Companies.

III. Power for raising further capital, with preferential dividends or otherwise, for completion of existing lines, or for additional works, the priority of the rights of existing preference shareholders being secured.

3. That, considering the large discretion which must necessarily be vested in any tribunal, however constituted, to which may be entrusted the duty of reporting to the House on opposed Private Bills, and the absence of fixed rules for the guidance of such tribunal, it is not expedient that this duty should be performed otherwise than by Committees of the House.

4. That with a view of saving the expense and loss of time now occasioned by the double hearing of contested cases by Committees of each House of Parliament, an arrangement ought to be come to by the two Houses by which a single hearing might be made to serve the purpose of the present double inquiry.

5. That opposed Bills having passed through a Committee of the House of Commons, should be dealt with as unopposed Bills in the House of Lords, and *vice versâ*; but that each House should, nevertheless, retain the power of referring any Bill to a Committee, if from special circumstances that course should appear desirable.

6. That it is expedient that the number of Members serving on Private Bill Committees be reduced from Five to Three.

7. That such Committees be ordered to meet at Eleven of the clock.

8. That no Member shall be required to serve on a Private Bill Committee for more than 10 sitting days in one Session, except for the purpose of closing the hearing of a case already commenced.

9. That, independently of the fees marked on the briefs when delivered to counsel, no further or other fees shall be allowed on taxation than five guineas a day as a refresher for attendance, and two guineas a day for consultation.

10. That the payment of solicitors by means of fees on copies of Minutes of Evidence and other documents, which entail no labour upon them, is improper, and ought to be abolished.

11. That it is expedient that the Minutes of Evidence be printed.

12. That the scale of fees payable upon proceedings connected with Private Legislation ought to be revised, so as to meet, but not exceed, the expenses thrown upon the House by the Private Business.

13. That the system of charging *ad valorem* fees on a scale proportionate to the capital proposed to be raised by any Private Bill ought to be discontinued, and that there should be charged a uniform fee on all Private Bills in their several stages through the House.

14. That, in cases of Bills in the second class, in lieu of the schedule annexed to notices to owners, lessees and occupiers of lands and houses prescribed by Standing Order 19, and by the form in the Appendix marked A. to the Standing Orders, there be sent with every notice under Standing Order 19 a copy of a portion or portions of the deposited plan and section sufficient to show the property alluded to in the notice, and distinguishing that property by colour.

15. That the notices required to be advertised in metropolitan papers (in addition to local newspapers), except the London, Edinburgh, and Dublin Gazettes, should be discontinued.

16. That,

16. That, with a view of deciding questions arising in Private Bills by a more speedy and less expensive process than an inquiry by a Committee on opposed Bills, it is expedient to empower the Committee of Selection, and the General Committee of Railway and Canal Bills, at any time after the committal of such Bills, with the consent of all parties promoting and opposing, to refer the same wholly, or with reference to particular clauses, to the Chairman of the Committee of Ways and Means, and that such Chairman, together with Members to be appointed in like manner as Members of the Committee of unopposed Bills, should be empowered to hear the parties promoting and opposing such Bills, or their agents, and to report upon the same to the House.

24 June 1863.

PROCEEDINGS OF THE COMMITTEE.

Martis, 3° *die Martii*, 1863.

MEMBERS PRESENT:

Colonel Wilson Patten.	Mr. Puller.
Mr. Adair.	Mr. Paull.
Mr. Whalley.	Mr. Liddell.
Mr. R. Hodgson.	Mr. C. Forster.
Lord Stanley.	Mr. Hennessy.
Mr. Bouverie.	Mr. Milner Gibson.

Mr. *Milner Gibson* was called to the Chair.

The Committee deliberated.

Resolved, "That the Chairman do move the House that the Report of the Select Committee on Standing Orders Revision of last Session be referred to this Committee."

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 12° *die Martii*, 1863.

MEMBERS PRESENT:

Mr. Milner Gibson in the Chair.

Mr. Adair.	Mr. Paull.
Mr. Liddell.	Mr. Bouverie.
Colonel Wilson Patten.	Mr. C. Forster.
Mr. Massey.	Sir M. Peto.
Mr. Puller.	Mr. Lowe.
Mr. Whalley.	

Mr. *James Booth* examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 16° *die Martii*, 1863.

MEMBERS PRESENT:

Mr. Milner Gibson in the Chair.

Mr. Hodgson.	Mr. Paull.
Colonel Wilson Patten.	Mr. Lowe.
Mr. Adair.	Mr. Puller.
Mr. Massey.	Mr. Forster.
Mr. Liddell.	Mr. Bouverie.
Mr. Walpole.	Mr. Whalley.

Mr. *James Booth* further examined.

The Committee deliberated.

Motion made, and Question, "That the evidence from Question 265 to the end of the last day's evidence be expunged, as irrelevant"—(Mr. *Walpole*)—put, and agreed to.

Mr. *James Booth* further examined.

Mr. *W. K. Rickards* examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 19° *die Martii*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Mr. Whalley.	Colonel Wilson Patten.
Mr. Massey.	Mr. Lowe.
Mr. Adair.	Mr. Hodgson.
Mr. Liddell.	Mr. Puller.
Mr. Paull.	Mr. Charles Forster.
Mr. Bouverie.	

The Lord *Redesdale* (attending by permission of the House of Lords), and Mr. *Massey* (a Member of the Committee), were severally examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 23° *die Martii*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Mr. R. Hodgson.	Mr. C. Forster.
Mr. Adair.	Mr. Massey.
Mr. Whalley.	Mr. Walpole.
Mr. Liddell.	Mr. Paull.
Mr. Puller.	Mr. Lowe.
Colonel Wilson Patten.	Mr. Hennessy.

The Earl *Grey* (attending by permission of the House of Lords) examined.

Mr. *Massey* (a Member of the Committee) again examined.

Mr. *Adair* (a Member of the Committee) examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 26° *die Martii*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Mr. Adair.	Mr. Puller.
Lord Stanley.	Colonel Wilson Patten.
Mr. Liddell.	Mr. Paull.
Mr. Massey.	

Mr. *Adair* (a Member of the Committee) again examined.

[Adjourned to Monday, 13th April, at Twelve o'clock.

Lunæ, 13° *die Aprilis*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Mr. R. Hodgson.	Mr. Lowe.
Mr. Adair.	Mr. Bouverie.
Mr. Puller.	Mr. Massey.
Mr. Paull.	

Mr. *James Booth* further examined.

Mr. *J. St. George Burke*, and Mr. *Thomas Coates*, were severally examined.

[Adjourned to Thursday, at Twelve o'clock.

Jovis, 16° *die Aprilis*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Mr. Whalley.	Lord Stanley.
Colonel Wilson Patten.	Mr. Puller.
Mr. R. Hodgson.	Mr. Lowe.
Mr. Massey.	Mr. E. P. Bouverie.
Mr. Liddell.	Mr. Paull.
Mr. Adair.	

Mr. *Thomas Coates* further examined.

Mr. *Charles Frere* examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 20° *die Aprilis*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Colonel Wilson Patten.	Mr. Lowe.
Mr. Adair.	Mr. Forster.
Mr. Paull.	Mr. Massey.
Mr. Liddell.	Mr. R. Hodgson.
Mr. Puller.	Mr. Whalley.

Mr. *Fereday Smith*, and Mr. *G. P. Bidder*, were severally examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 23° *die Aprilis*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Mr. R. Hodgson.	Mr. Massey.
Mr. Liddell.	Mr. Forster.
Colonel Wilson Patten.	Mr. Whalley.
Mr. Puller.	Mr. Paull.

Mr. *James Blenkinsop*, and Mr. *G. H. Whalley* (a Member of the Committee), were severally examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 27° *die Aprilis*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Mr. Walpole.	Mr. Massey.
Mr. Richard Hodgson.	Mr. Puller.
Mr. Liddell.	Mr. Lowe.
Mr. Paull.	Mr C. Forster.
Colonel Wilson Patten.	

Mr. *Attorney General*, Mr. *T. Erskine May*, and Colonel *Wilson Patten*, a Member of the Committee, were severally examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 30° *die Aprilis*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Mr. R. Hodgson.	Mr. Puller.
Mr. Liddell.	Colonel Wilson Patten.
Mr. Paull.	Lord Stanley.
Mr. Massey.	Mr. Bouverie.

Mr. *Robert Baxter*, and Mr. *J. Fowler*, were severally examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 4° *die Maii*, 1863.

MEMBERS PRESENT:

Mr. Milner Gibson.	Mr. Liddell.
Mr. Richard Hodgson.	Lord Stanley.

The Committee was adjourned to Monday, 1st June, at One o'clock, to consider Resolutions and Report.

Lunæ, 1° *die Junii*, 1863.

MEMBERS PRESENT:

Mr. MILNER GIBSON in the Chair.

Mr. Whalley.	Mr. Paull.
Mr. Richard Hodgson.	Mr. Walpole.
Mr. Bouverie.	Colonel Wilson Patten.
Mr. Massey.	Mr. Charles Forster.
Mr. Liddell.	Mr. Lowe.
Mr. Puller.	Mr. Hennessy.
Lord Stanley.	

Mr. *Joseph Gurney* examined.

Resolutions to be proposed by the Chairman, read, as follows:—

"That it is the opinion of this Committee,—

"1. That a Bill founded on the principle of the Railways Clauses Consolidation Acts should be immediately prepared, and if possible passed this Session, for the further consolidation of the clauses usually contained in Railway Acts.

"2. That a Bill be prepared and brought in for enabling new and existing Railway Companies, on compliance with conditions to be contained therein, such compliance to be certified by a department, to make new lines of railway and new railway works, when all parties are consenting, and also for accomplishing the following objects:

"1. Giving power to two or more companies to enter into mutual arrangements for the working or use of their respective lines for limited periods.

"2. Giving extension of time for the sale of superfluous lands by Railway Companies.

"3. Power for raising further capital, with preferential dividends or otherwise, for completion of existing lines, or for additional works, the priority of the rights of existing preference shareholders being secured.

"3. That Bills unopposed in the Lords be not committed in the Commons, and *vice versâ*.

"4. That with a view of saving the expense and loss of time now occasioned by the double hearing of contested cases by Committees of each House of Parliament, an arrangement should, if possible, be effected by which an opposed Bill originating in either House would be referred to a joint Committee of Lords and Commons; each House retaining the power to direct the recommitment of the Bill to the same Committee. That such joint Committee should consist of three Members of the House in which the Bill originates, one of them to be the Chairman, not having a vote except in case of equality, and two Members of the other House. That with this view arrangements should be made that one-half of the Bills should originate in each House.

"5. That in cases in which it is thought fit to admit petitioners to be heard upon their petitions against any Bill on the ground of competition, the Committee on the Bill have power, when unanimous, to award to the promoters of the Bill their costs of meeting an unsuccessful opposition on the ground of competition.

"6. That, although your Committee recognise the propriety of a more liberal scale of fees to counsel practising at the Parliamentary bar than that which prevails in the ordinary Courts of Law and Equity, the Parliamentary bar ought not by any rule of its own to prevent counsel from accepting briefs before a Committee of either House of Parliament according to the same rules as to fees which are observed in the Courts of Law and Equity.

"7. That the charge to be allowed on taxation for copies of Minutes of Evidence supplied by the solicitor be not higher than 4 *d.* per folio.

"8. That it be recommended to Mr. Speaker to revise the scale of fees payable upon proceedings connected with Private Legislation, with a view to see whether, after making adequate provision for all expenses thrown upon the House by the requirements of the Private Business, any reduction in the amount of such fees may properly be made.

"9. That, in cases of Bills in the second class, in lieu of the schedule annexed to notices to owners, lessees and occupiers of lands and houses prescribed by Standing Order 19, and by the form in the Appendix marked A. to the Standing Orders, there be sent with every notice under Standing Order 19, a copy of a portion or portions of the deposited plan and section sufficient to show the property alluded to in the notice, and distinguishing that property by colour.

"10. That with respect to deposits required by the Standing Orders to be made on or before the 30th of November, original or amended deposits made on the 1st, 2d, or 3d of December immediately preceding the application for the Bill be deemed sufficient, upon the parties, who avail themselves of such days of grace, paying at the rate of 100 *l.* for each day of grace of which they avail themselves; the sums so payable to be paid together with the fees on the deposit in the House of Commons Private Bill Office of the documents in respect of which they are to be paid."

Resolutions to be proposed by Mr. *Massey*, read, as follows:—

"*Power to the Board of Trade to make Provisional Orders in certain Cases.*

"That it is expedient to empower the Board of Trade to make Provisional Orders for conferring upon Railway Companies, which have been incorporated by Act of Parliament, certain powers to be limited and defined by law, which Orders should be annually submitted to Parliament for confirmation by a Public Act, in like manner as is now done under

under the Inclosure Acts, the Local Government Act, and the Piers and Harbours Acts. That the powers to be so conferred be for the following purposes:—

"1. The increase, alteration, or regulation of the capital of such Companies; the arrangements for the distribution and issue of the shares in such capital; and the regulation of the borrowing powers.

"2. The extension of time for the purchase of land, and for the completion of works previously authorised.

"3. The abandonment of powers for the construction of works previously authorised.

"4. The making of deviations from, or alterations in, Lines of Railway previously authorised.

"5. The construction of stations, sidings, piers, wharves, the laying of additional lines of rails, and other subsidiary works on land previously acquired, or authorised to be acquired by the Company.

"6. The construction of Branch Lines, out of an existing authorised line of the Company, for which Branches no compulsory powers of purchase are required.

"*As to Bills which have been Opposed in the House of Lords.*

"That all Private Bills brought from the House of Lords which have undergone investigation as opposed Bills by a Select Committee of that House, should, after having been read a second time in this House, in case any Petition praying to be heard against them has been presented within the time limited by the Standing Orders, be referred to the Chairman of the Committee of Ways and Means, unless the House shall otherwise order.

"*As to Bills which have been Unopposed in the House of Lords.*

"That all Private Bills brought from the House of Lords, and read a second time in this House, against which no Petition praying to be heard against them has been presented within the time limited by the Standing Orders, or against which all Petitions so presented have been withdrawn, may be read a third time without being committed, on any day not less than 10 clear days after the Second Reading, unless the House shall have previously ordered that such Bills be referred to the Committee of Selection, or to the General Committee of Railway and Canal Bills.

"*Power to refer Opposed Bills by Consent to Chairman of Ways and Means.*

"That, with a view of deciding questions arising in Private Bills by a more speedy and less expensive process than an inquiry by a Committee on opposed Bills, it is expedient to empower the Committee of Selection, and the General Committee of Railway and Canal Bills, at any time after the committal of such Bills, with the consent of all parties promoting and opposing, to refer the same to the Chairman of the Committee of Ways and Means, and that such Chairman, together with Members to be appointed in like manner as Members of the Committee of unopposed Bills, be empowered to hear the parties promoting and opposing such Bills, or their agents, and to report upon the same to the House.

Resolutions to be proposed by Mr. *Richard Hodgson*, read, as follows:—

"PARLIAMENTARY AGENTS', SOLICITORS', &c., FEES.

"That the Scale of Fees proposed (in an Appendix to a letter addressed by Mr. Charles Frere to the Speaker, dated 3 February 1863) to be allowed to Parliamentary agents, attornies, solicitors and others be approved, with the exception of the fee on the supply of copies of Minutes of Evidence, and Documents put in before Committees on contested Bills, and that in lieu thereof it is expedient that the following Scale of Fees should be adopted:—

"MINUTES OF EVIDENCE, AND SHORT-HAND WRITERS' FEES.

"1. For the short-hand writer (in addition to the daily fee of 2 *l.* 2 *s.*), 6 *d.* per folio of 72 words, for one certified transcript, to be delivered to the printer at intervals, enabling him to execute his contract after-mentioned.

"2. To the House of Commons Fee Fund, 4 *d.* per folio, for one certified copy, in manuscript or otherwise, as the House may direct.

"3. That a contract or contracts be entered into, previous to the commencement of each Session, for printed (or where the nature of the Documents renders it more convenient for lithographed) copies of all such Minutes and Documents, 25 in number, to be delivered not later than 9 A.M. on the next week-day following that on which the Evidence has been given; one copy thereof to be for the use of each Member of the Committee on the Bill, one copy for the Committee Clerk, and the remainder to

be divided equally between the Promoters on the one hand, and the Opponents on the other.

"4. The total cost of such copies, and the fees above-mentioned, to be paid, one-half by the Promoters, and one-half by the Opponents collectively.

"5. A fee of 5 *s.* to be charged to each client by the Parliamentary agent, for procuring each day's Evidence (from the Committee Clerk's Office), with an additional allowance of 2 *s.* per copy, served by messenger on counsel or others.

"6. That it is expedient that the duty of superintending the department of short-hand writing connected with Private Bill Legislation should be exercised by a competent person, *at a fixed salary*, and that the fees received for daily attendance and for certified transcript of Evidence, &c., should be applied in payment of the staff employed; the surplus, if any, being carried to the credit of the Fee Fund.

"HOUSE FEES.

"That the principle on which the *ad valorem* fees are charged is inconsistent and unjust, being based neither on the relative amount of labour and expense incurred in Private Bill Legislation, nor on the amount of capital sought to be raised, irrespective of the objects on which it is to be expended. It is therefore expedient that an uniform fee on all Private Bills in their several stages through the House of Commons should be charged.

"That the following alterations in the House Fees are likewise expedient:—

"1. That the fee of 15 *l.* on the Report from the Committee be abolished.

"2. The fee for Promoters appearing by counsel before a Committee be reduced from 10 *l.* to 5 *l.* per day.

"3. The fee for Opponents appearing by counsel before a Committee be reduced from 5 *l.* to 3 *l.* per day.

"4. The fee of 1 *l.* charged 'on every Motion, Order, or Proceeding of the House upon a Private Bill, Petition, or matter, not otherwise charged,' be abolished.

"5. The fee for riding charges, per mile, be reduced from 1 *s.* to 6 *d.*

"6. The per-centage fee of 1 *l.* per 100 *l.*, allowed by the taxing officer on a taxed Bill, be abolished.

"7. The fee for 'copies of any documents in the office of the taxing officer' be reduced from 1 *s.* to 6 *d.* per folio of 72 words.

"COUNSEL'S FEES.

"That it would, in the opinion of the Committee, tend to render the practice of counsel at the Parliamentary Bar more consonant with that of other branches of the profession, and at the same time diminish to some extent the expenses attendant on Private Bill Legislation, while it opened the door for junior counsel more generally to practise before Committees of Parliament, if the regulations which are understood to prevent the acceptance by counsel of differential fees, according to their rank at the Bar, as retainer and refresher, and at consultation, were modified, within the limits recognized by the members of the Common Law and Chancery Bar; and it is expedient that this resolution should be communicated to the leaders of the Parliamentary Bar, with a request that they will take it into their early consideration.

"COSTS.

"That if it should appear to the Committee on an opposed Bill, that its provisions, or some of them, are substantially identical with provisions contained in a Bill rejected by either House of Parliament in a former Session, it should be in the power of the Committee, by an unanimous vote, but not otherwise, to award, in whole or in part, the costs of all or any of the Opponents of such Bill (subject to taxation by the taxing officer of the House) incurred by them in their opposition before the said Committee; such costs to be paid to the said Opponents by the Promoters. And if it should appear to the Committee on any opposed Bill which has passed the other House of Parliament, after opposition before a Committee, that the opposition before them has been frivolous and vexatious, or for the purpose of extortion, or without just grounds of appeal from the previous decision, the Committee should have power, by an unanimous vote, but not otherwise, to award costs to the Promoters, in whole or in part (subject to taxation by the taxing officer of the House), incurred by them in consequence of such opposition."

Resolutions to be proposed by Lord *Stanley*, read, as follows:—

"1. That, considering the large discretion which must necessarily be vested in any tribunal, however constituted, to which may be entrusted the duty of reporting to the House on opposed Private Bills, and the absence of fixed rules for the guidance of such tribunal, it is not expedient that this duty should be performed otherwise than by Committees of the House.

"2. That, with a view of saving the time and expense now incurred in a rehearing of cases

cases already tried before a Committee of one House of Parliament, it is expedient that an arrangement should be come to, if possible, between the two Houses, by which Bills having passed through a Committee of the House of Commons need not be again referred to a Committee of the House of Lords, and *vice versâ;* but that each House shall nevertheless retain the power of referring any Bill to a Committee, if from special circumstances that course shall appear preferable.

"3. That, with a view of diminishing the labour now imposed on Members of the House, it is expedient that the number of Members serving on Private Bill Committees be reduced from Five to Three.

"4. That, with a view to the shortening of the duration of Private Bill Committees, such Committees be ordered to meet at Eleven of the clock, and authorised to continue their sittings until Five in the afternoon, notwithstanding the sitting of the House.

"5. That Chairmen of Private Bill Committees shall continue to be appointed as at present, and to serve unpaid.

"6. That no Member shall be required to serve on a Private Bill Committee for a period exceeding 10 days in one Session, except for the purpose of closing the hearing of a case already commenced."

Resolutions to be proposed by Mr. *Puller*, read, as follows:—

"1. That the existing practice, which entitles the opponents of a Private Bill passed by one House of Parliament to claim another hearing before a Committee of the other House, is a valuable security against unwise or unjust legislation.

"2. That if such opponents could obtain that privilege only on the special Order of one of the Houses of Parliament, the time of the two Houses would be inconveniently occupied with the discussion of questions, for the decision of which they neither are, nor are considered by the public to be, suitable tribunals.

"3. That, nevertheless, for the purpose of checking the abuse of that privilege, it is expedient that, when the opponents of a Bill, who have been unsuccessful in one House of Parliament, renew their opposition in the other, the Committee before whom the case is argued for the second time should have power, if unanimous in considering such renewed opposition to be vexatious, to make such opponents pay the costs of all parties occasioned thereby.

"4. That whenever the consideration of a Private Bill by a Committee of either House of Parliament lasts more than one day, or the opposition thereto is afterwards renewed in the other House, the Evidence should be printed; and that in the second Committee the case should be considered upon such printed Evidence without hearing witnesses, unless, upon a special case being shown, the Chairman of such Committee make an order for the examination of one or more witnesses.

"5. That the number of Members serving on Private Bill Committees be reduced from five to four, with a double vote, as now, to the Chairman, in case of the votes being equal.

"6. That all questions of *locus standi*, and of the admissibility of Evidence, be decided by the Chairman alone.

"7. That the charge which solicitors are authorised to make for copies of Evidence be reduced from 8 *d.* to 6 *d.* per folio."

Resolutions to be proposed by Mr. *Paull*, read, as follows:—

"1. That where powers beyond the existing law are sought by Companies or Private Individuals, such powers should not be conferred except by Act of Parliament; and that in any measure for facilitating the acquisition of such powers, an ultimate appeal to Parliament should be reserved.

"2. That a General Act should be passed, permitting certain objects to be carried out on certain conditions.

"3. That the Provisional Order System may be advantageously extended to all Undertakings for which Private Acts are now necessary.

"4. That the granting of such Orders may be safely entrusted to the Home Secretary and the President of the Board of Trade, details being carried out under a Commissioner or Secretary, in like manner as the powers under the local Government Acts are now exercised under the supervision of Mr. T. Taylor.

"5. That Committees do not form eligible tribunals for taking evidence.

"6. That in the case of Opposed Undertakings, the Public Department to which the class of undertaking may be referred should appoint Commissioners to hear the evidence to report the same, with their opinion thereon.

"7. The Department may then issue their Order; and should the parties avail themselves of their right of appeal to Parliament, the appeal should be heard before a Committee, in like manner as appeals are now heard before the Privy Council, upon the printed evidence only.

"8. That Commissioners should receive fixed sums for the entire inquiry.

"9. That Committees should consist of a Chairman and two Members only, in order that the Members may be in closer communication, and the tribunal be rendered more compact, and also to economise the time of Members.

"10. That at the first sitting of a Committee, when either promoters or opponents open their cases, a list of witnesses intended to be called by them should be handed to the Committee, giving the names, calling, and residence of the witnesses, and stating the nature of the evidence to be given by them.

"11. That if more than two witnesses be called from the same locality to give the same class of evidence, the Committee may order that a sum equivalent to the sum payable for the witnesses' expenses should be forfeited, and paid to the Fee Fund by the parties calling the witnesses.

"12. That the scale of costs for solicitors and agents before Parliament be assimilated to the scale ordered by the Law Courts.

"13. That the charge for copies of evidence be reduced to 4 *d.* per folio.

"14. That Standing Orders 137, 146, and 152, be repealed. (*See* Mr. Burke's Letter to Mr. Gibson, of 6th May 1863.)

"15. That the appointment of a paid Chairman would not be satisfactory, unless such Chairman were to sit alone, in the same manner as the Chairman of Ways and Means."

Resolutions to be proposed by Mr. *Whalley*, read, as follows:—

"That Railways and other works of public utility ought to be encouraged, and that all reasonable facilities should be afforded to those who promote such works in obtaining the sanction of Parliament thereto:

"That uniformity in the course of proceedings in all inquiries into the merits of proposed Railways, or other public works requiring the sanction of Parliament, is essential,—as well to save expense to the parties promoting or opposing such works, as for securing for Parliament full and reliable information in reference thereto:

"That the present mode of investigating the merits of Railways, and other public works by Committees does not accomplish those objects:

"That the Chairman's panel system has worked well, in so far as that it tends to ensure uniformity of practice:

"That, having regard to such result, also to the fact that in so far as Parliament has already delegated these inquiries to a tribunal specially constituted for the purpose, no inconvenience has been found to result, but the contrary, it is the opinion of this Committee that the merits of all Private Bills should be investigated by a permanent tribunal, to be specially constituted for that purpose."

Draft Report proposed by the Chairman, read 1°, as follows:—

"1. Your Committee have proceeded diligently with the inquiry entrusted to them, and have examined a considerable number of persons practically acquainted with the Private Business of the two Houses of Parliament, including some Members of the House of Lords, and of your Committee, and have obtained much evidence, which, together with some valuable papers which have been furnished your Committee, will be found in the Appendix to this Report.

"2. There is a general concurrence of opinion among the witnesses examined by your Committee that the present system on which the Private Business is conducted is not satisfactory, chiefly on the ground of the length and costliness of the proceedings in contested cases; but there is a great diversity of opinion amongst them as to the changes that are required. All the witnesses however agree, that the ultimate decision upon opposed undertakings now requiring the sanction of special Acts ought still to rest with the Legislature; and, having regard to the character of the questions which arise on the consideration of contested Private Bills, your Committee is disposed to concur in the view entertained by the majority of the witnesses, that no court of inquiry could be constituted for the purpose of investigating such questions which, on the whole, would be so satisfactory to the public as Committees composed of Members of the Houses of Parliament.

"3. Lord

" 3. Lord Redesdale has submitted to your Committee a scheme for the constitution of a Board consisting of one Peer and two Members of the House of Commons, who should sit through the autumn and winter to make preliminary inquiry into all Railway schemes proposed to be submitted to Parliament: the members of the Board to be paid. 645. 655.

" His Lordship proposed that no measure should be brought before Parliament which had not received the previous sanction of this Board. 649.

" With respect to measures sanctioned by the Board against which petitions were presented, his Lordship recommends that these petitions should be referred to a Committee of experienced Members, who should say whether the petitioners should be heard; and, if so, to what extent; if this Committee reported that it was not expedient that the petition should be heard, the Bill would proceed as an unopposed Bill. 690.

" Your Committee, although disposed to view with favour any plan calculated to have the effect of lessening the labours of the two Houses of Parliament in connexion with Private Bill Legislation, are unable to recommend the adoption of the plan proposed by Lord Redesdale, as they feel satisfied that the public would not acquiesce in the power proposed to be given to this Board to exclude from the consideration of Parliament such schemes as they might think not proper to be sanctioned. A like objection appears to your Committee to apply to the power proposed to be given to the Committee of experienced Members of determining whether, or to what extent, petitioners should be allowed to be heard against measures sanctioned by the Board.

" 4. Two schemes have been submitted to your Committee, the one by the Earl Grey, the other by Mr. Rickards, the Counsel to Mr. Speaker, having for their object to provide a new tribunal in connexion with the Board of Trade, to which certain classes of Bills should in the first instance be referred; and which should hear the promoters and opponents in open court in the same manner as they are now heard before Select Committees of the Houses of Parliament. Earl Grey, 882. Mr. Rickards, 507. And Appendix.

" Each of these schemes contemplates that the decisions of this tribunal should (in the event of the Bill being entertained) be embodied in provisional orders, to be subject to the consideration of the Houses of Parliament.

" The scheme of Lord Grey contemplates that the petitions of parties opposing the provisional order, should be referred to a Standing Committee of the two Houses, the opponents giving security for costs; and if this Committee see ground to question the decision of the tribunal, either House may require the Bill to be referred to a Committee of two Peers and three Commoners. 882.

" The scheme of Mr. Rickards contemplates that the House may, in the progress of the confirming Act, if it think fit, reopen the question, and refer the petitions of opposing parties to a Select Committee. 511.

" A tribunal of a somewhat similar character is also recommended by Mr. May, Clerk Assistant to the House of Commons. 3004. 3008.

" As it is not proposed, in any of the last-mentioned schemes, absolutely to exclude either the promoters or the opponents of the Bills from bringing their case under the consideration of a Select Committee, when the House, as might not unfrequently happen, should think fit to order such reference, your Committee cannot but entertain the apprehension that, for the most part, in really contested cases, notwithstanding that the preliminary inquiry may have been in open court, and that any appeal would be at the risk of costs, as proposed by Lord Grey, so great would be the disposition of the parties interested to avail themselves of every chance, the proposed plan would often merely add one stage more to the inquiry.

" 5. These objections apply not less to the suggestion of Mr. Whalley, a Member of your Committee, to the effect that the merits of all Private Bills should be investigated by a permanent tribunal, to be specially constituted for that purpose, but in which he does not propose to vest the ultimate decision of the case. 2837.

" 6. Colonel Wilson Patten, a Member of your Committee, and examined before them, has expressed an opinion that a distinct tribunal out of the House might be established to ascertain the facts, such as whether the gradients are good, the traffic sufficient, &c.; and then the parties might be heard in Committee, their arguments to be founded on the information so previously obtained. 3139, 3140.

" If it were possible, by Standing Orders or otherwise, to define the facts necessary to be proved with respect to certain classes of Bills in order to enable the Select Committee on a Private Bill of that class to decide as to the expediency of passing the Preamble, a preliminary inquiry of the kind suggested might usefully take place; but your Committee entertain strong doubts whether it is possible to say, beforehand, what are the facts in respect to classes of Bill which, when found, a Select Committee would consider material for the determination of the particular case before them. On the other hand, if the Select Committee in each case is to meet for the purpose of determining what are the facts which they deem it material to have ascertained by the proposed tribunal, it appears to your Committee, that the expense and delay arising from this mixed jurisdiction would more than outweigh any advantage likely to result from it.

" 7. Some suggestions have been offered by Mr. Booth, Secretary to the Board of Trade, in a paper delivered in by him, and also in his evidence, which, if they could be adopted,

167. Appendix.

would have the effect of relieving Select Committees from a large portion of the contentious discussion now carried on before them. He suggests for consideration, whether the time is not come for a change of policy with regard to railway undertakings, and whether freer scope may not now be given to the principle of competition among the promoters of those undertakings. He thinks the time fast approaching when railways must be looked upon as the ordinary highways of the country, and that all reasonable encouragement should therefore be afforded for their construction.

"With this view, he recommends that the Select Committee should confine landowners opposing a Railway Bill to showing their own special objections to a new railway as affecting their own lands, without allowing them to dispute generally the Preamble of the Bill, and should refuse to hear a company, whose works are not interfered with, complaining that the new scheme would compete with their own line; and also that amalgamations and working arrangements between companies should be sanctioned without reference to the question whether thereby a new scheme competing with the line of a third company would be created.

"In favour of the adoption of the rule that landowners and rival companies should not be heard to question generally the Preamble of the Bill, Mr. Booth urges that the fact that responsible parties are prepared to apply their capital to the execution of the new railway, and to give adequate security for its completion, should be deemed to afford a sufficient *primâ facie* presumption that the undertaking will be for the public advantage, and that the Select Committee might be spared the necessity of taking evidence upon this point.

"On these views your Committee would remark, that the opinions expressed by those of the persons examined before them, who are practically engaged in the contests that now take place, are in favour of the fullest inquiry into all the circumstances under which new powers, either for constructing railways, or for combining the working of existing lines, are sought to be obtained from Parliament; and consequently, although your Committee think that parties opposing on the ground of competition might, in cases where the Select Committee thought that there were no special reasons to justify the opposition, properly be subjected to costs, they hesitate to recommend any such limitation as that proposed of the classes of persons who shall be permitted to bring the merits of the scheme under the scrutiny of the Committee, or of the grounds on which landowners especially are, according to the present practice, admitted to raise objections to the granting of the new powers.

General Act for conferring certain powers, on compliance with its conditions being certified by a department.

810.

811.

"8. Some valuable suggestions will be found in the evidence of the Chairman of Ways and Means, a Member of your Committee; among other suggestions he thinks that general legislation might lay down certain conditions under which a department of the Government might sanction certain projects. The department, he proposes, should issue a certificate, which should be laid on the Table of the House; it would be referred probably to the Chairman of Ways and Means, and if no adverse report were presented within a limited time, the scheme would receive the final certificate of the department. If objected to, the project might be referred to a Committee.

"This scheme, it will be seen, resembles that proposed in the paper delivered in by Mr. Booth, Appendix No. 1, with this difference, that Mr. Booth proposes that where all parties are consenting, the department should be empowered to issue its certificate immediately, to take effect on insertion in the Royal Gazette; whereas Mr. Massey proposes that in all cases the certificate should, before taking effect, be laid on the Table of the House.

"On a comparison of these two proposals, it appears to your Committee that there is no sufficient reason why the promoters should not be allowed at once to proceed with the execution of their undertaking, or otherwise to exercise the powers conferred by the General Act, on the certificate of the department that they have complied with the conditions of that Act; and they think this course would afford advantages over the other, by avoiding the loss of time which would otherwise occur in the construction of the works, or the execution of the other powers sanctioned by the Act, and also by rendering it unnecessary for parties to regulate their proceedings with reference to the period of the meeting of Parliament.

Mr. Bidder, 2440. Mr. May, 2969. 2974. 2979. 2981. Mr. Baxter, 3247. 3270.

"Other witnesses concur in thinking that where all parties are assenting, certain powers now requiring the sanction of Private Acts of Parliament might be conferred by a General Act, so as to take effect on the certificate of a department of the Government that the conditions prescribed for that purpose by the Act had been complied with.

"A recommendation on the above subject will be found among the Resolutions at the foot of this Report.

No commitment of unopposed Bill in the second House.

Mr. Massey, 811. Mr. Rickards, 454.

"9. The Chairman of Ways and Means, and Mr. Rickards, concur in suggesting that a Bill, unopposed in the Lords, should not be committed in the Commons.

"Your Committee have adopted this suggestion, and a recommendation to this effect will be found embodied in the resolutions at the foot of this Report.

Railways Clauses Consolidation Act.

"10. The attention of your Committee has been called to the Railway Clauses Consolidation Acts of 1845—Acts which were then passed with the view of rendering unnecessary the insertion in each Act authorising the establishment of a railway of the provisions required for regulating its construction and management; and it has been represented that the great number of Railway Companies that have been established since 1845, and the further experience

experience of the working of the railway system, have shown the necessity for many further provisions for their regulation, which are now commonly inserted in the Special Railway Acts. It has been suggested that these provisions, or such of them as are of a general character, might usefully be embodied in a General Act, to be passed on the plan of the Acts of 1845. Mr. Booth, 9. Appendix. Lord Redesdale, 709.

"Your Committee concur in this suggestion, and a recommendation to this effect will be found among the Resolutions at the foot of this Report.

Double inquiry before two Select Committees.

"11. Several witnesses have expressed an opinion, that some expedient should be adopted for avoiding the double inquiry which now takes place when a Bill having been investigated by a Select Committee of one House is subjected to a second investigation by a Committee of the other House. Mr. Booth, 242. Earl Grey, 882. Mr. Bidder, 2403. Mr. May, 2956. Col. Wilson Patten, 3091. Mr. Baxter, 3252.

"Your Committee concur in the view that much unnecessary expense and loss of time are occasioned by the existing practice of hearing witnesses and counsel twice over in every case which is contested in both Houses, and they think it desirable that an endeavour should be made to effect an arrangement by which a single inquiry might be made to serve the purposes of the commitment of a Private Bill in the two Houses.

"Mr. Massey objects to the double inquiry, and he suggests, as a mode of avoiding it, that every opposed Private Bill which has passed a Select Committee of one House, should be dealt with as an unopposed Bill in the other, and referred only to the Chairman of Ways and Means, or the Chairman of Committees in the House of Lords, as the case may be. 811.

"Other witnesses recommend an inquiry before a joint Committee of the two Houses. Your Committee think that this expedient would meet with more general approval than the plan suggested by Mr. Massey. Instances of united inquiry by Committees composed of Peers and of Members of the House of Commons occur in the Records of Parliament. Hatsell, vol. iii., p. 38.

"Various suggestions have been made as to the constitution of the joint Select Committee of the two Houses. By Lord Grey's plan the Committee would be composed of two Peers and three Members of the House of Commons. 882, par. 15. By Mr. Booth's plan it would consist of three Members of the House in which the Bill originates, one of them to be the Chairman, not having a vote except in case of equality, and of two Members of the other House. 243. By Mr. May's plan there would be two Peers, of whom one would be the Chairman, with a second vote in case of equality, and three Members of the House of Commons. 2959 The last-named witness suggests, that in case of a system of joint inquiry being adopted, one-half of the Bills should originate in each House.

"A recommendation on the subject of a joint Committee will be found among the Resolutions at the foot of this Report.

Paid Chairman.

"12. Some suggestions have been made for the improvement of the constitution of the Select Committees of the House of Commons to which Private Bills are now referred. Your Committee particularly refer to the proposal of Mr. Adair, a member of your Committee, and a gentleman who has had great experience in the Private Business of the House, for the appointment of paid Chairmen.

"This proposal was to the following effect, viz., that the Speaker should at the commencement of each Session appoint three Members of six years' standing to be salaried Chairmen of Select Committees, who would sit continuously through the Session. 1088. For questions of amalgamation, and certain questions of an important character which the House might refer to them, and also in cases where all parties desired it, the three to sit as a Select Committee. In ordinary cases it is proposed that one of these Chairmen should sit, having two other Members of the House associated with him as judges of facts: the associated Members to be required to sit for ten days only, or till the termination of the case. It is proposed that the Chairman should be the sole judge of *locus standi*—of the reception of evidence—of points of practice, and of the general conduct of the case, and should have a second vote in matters of the Preamble, so as to be able to stop a Bill to which he had an insuperable objection. 1089. 1090.

"Another witness examined before your Committee, Mr. Baxter, has expressed an opinion favourable to the appointment of paid Chairmen. 3249.

"On the other hand, Colonel Wilson Patten, whose experience in the House of Commons gives weight to his testimony, has expressed an opinion that the constitutional objection to having paid Chairmen would be so great, that it is not to be hoped that the House of Commons would accede to it.

"Your Committee think there can be little doubt that the system of a small number of paid Chairmen proposed by Mr. Adair is one calculated to procure for the House the greatest amount of experience, aptness and assiduity, coupled with an increased sense of responsibility, in the gentlemen who preside over its Select Committees on Private Bills. 3085. At the same time, as strong objections would be felt to increasing the number of paid Members of the House, they hesitate to recommend the adoption of this measure.

"Your Committee, however, think that, with a view of lessening in some degree the demand made on Members of the House to serve on Select Committees, the number of Members required to form a Select Committee on opposed Bills may, if the expedient of a joint Committee of the two Houses be not adopted, properly be reduced to three.

Statement and Counter Statement.

"13. Two witnesses of great experience in the proceedings before Select Committees, Mr. Burke and Mr. Bidder, have suggested, as a mode of shortening the inquiry before

the Select Committees, that a statement and counter statement should be lodged by the promoters and the opponents respectively of each Bill, setting forth the facts and allegations on which they severally rest their cases, and that they should be confined strictly to the proof of the matters so set forth, or such of them as may appear to the
3035. Select Committee to be material. Another witness, Mr. May, also thinks that some plan of preliminary statements might be adopted, but not extending to the whole case, lest they
1219. become voluminous special pleadings. Mr. Burke proposes that the statement should be in a tabulated form, and he suggests the particulars which (in the case of a Bill for a new line of railway, by way of example), the statement should contain. Mr. Bidder also, in a
Appendix. paper delivered in by him, suggests an example of such a form of statement and counter statement as he would propose.

"It appears to your Committee that such statements and counter statements might assist the Members of the Select Committee in mastering beforehand the case they were about to hear, and might, in some instances, enable them to eliminate a portion of the allegations which might not seem necessary to be proved. It is probable also that the knowledge on each side of the grounds on which the other party intend to rely might sometimes render it unnecessary to take up the time of the Select Committee with hearing evidence which, in the absence of such knowledge, it would have been deemed important to adduce. The information furnished by the statements and counter statements might also enable the Committee, in some instances, to judge whether it might not be desirable to take the opponents' case first.

"Your Committee, however, entertain some doubt whether it would be practicable to prescribe, as suggested by Mr. Burke and Mr. Bidder, the particulars to be contained in the statement and counter statement with any such exactness as would prevent the parties from so framing them as to let in any evidence or line of argument which at the hearing it might appear to the leading counsel ought to be brought under the notice of the Committee. Your Committee are unwilling to recommend the adoption of this plan, as to which, whilst it appears to them that it must occasion some additional expense, they do not feel satisfied that it would tend materially to shorten the proceedings.

Awarding Costs.

"14. The propriety of empowering Select Committees to award costs, as a check upon vexatious proceedings by promoters or opponents of Bills, has been brought under the consideration of your Committee. Several of the witnesses have been in favour of vesting a discretion for that purpose in the Select Committee on a Bill, some proposing to restrict the discretion within narrower limits than others.

Mr. Massey 830.
Earl Grey, 882.
Mr. Adair, 1090.
Mr. F. Smith, 2205.
Mr. Blenkinsop, 2532, 2611.
Mr. May, 3080.

"Your Committee are not disposed to recommend that opponents of a project, who are interested in property affected by it, and who may therefore be regarded as defending themselves against a species of aggression by the promoters, should in any case be rendered liable to pay to the promoters costs for such defence. Your Committee are, however, of opinion, that a power might usefully be given to a Select Committee, when unanimous, of awarding to the promoters of a scheme their costs of meeting an unsuccessful opposition resting on alleged injury to existing interests by anticipated competition.

"A Resolution, embodying the last-mentioned view, will be found at the foot of this Report.

Subscription Contract.

Mr. Adair, 1146.
Mr. Coates, 1831.
Mr. Blenkinsop, 2706.

"15. Some witnesses have expressed an opinion, that in lieu of the present system of providing security for the completion of the undertakings of new Companies by deposit of a certain proportion of the authorized Capital, or by a bond for the like amount, Parliament should recur to its former practice, abandoned four or five years ago, of requiring a subscription contract to be entered into, provided due caution be exercised in investigating the sufficiency of the subscribers. On this point, your Committee would remark, that the system of subscription contracts was abandoned because of the difficulty experienced in ascertaining that the subscribers were capable of meeting their engagements under the contract; and there does not appear to your Committee to be reason to think that the investigation could be made with more useful results, if the former practice were resumed.

Counsel's Fees.

"16. Of the various charges incident to the hearing of contested cases, one appears to your Committee to require special notice in this Report; viz., the high rate of the daily fees to counsel for attendance before Committees. Your Committee have been informed that for each day in which a contested Bill is under the consideration of the Committee, every counsel engaged in the case, besides having received a fee with his brief, which is never less than ten guineas, with a five guinea retainer, receives a further fee of ten guineas for attendance, and five guineas for consultation, the daily rate of fees being the same for the leading and for the junior counsel.

"The evidence of legal practitioners in Parliament which has been given before your Committee, shows that the scale of fees just mentioned, which are far higher than those that are paid for advocacy before the Superior Courts of Common Law, and the Courts of Equity, has the effect not only of greatly increasing the expense of proceedings before a Parliamentary Committee, and in many cases of preventing a party from resorting to the assistance of counsel, in which he would be desirous of it, but also of excluding from Parliamentary practice many members of the bar who, if the scale of fees were lower, would be employed before Committees to the advantage of suitors, as well as of themselves.

"There are various exceptional circumstances connected with the Parliamentary bar which may render it proper that the scale of fees at that bar should be more liberal than

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the ordinary scale of fees in general litigation. Amongst other reasons for this difference are the circumstances that business before Parliament continues for a much shorter period than the ordinary legal year; that counsel, practising in the Courts of Law or Equity, are, when they attend before Committees, taken from their ordinary business; and that those who dedicate themselves to Parliamentary practice, virtually give up the expectation of promotion attendant on eminence at the bar of the Courts.

"It appears, however, to your Committee that, after giving due consideration to all the circumstances of the case, the daily fee of fifteen guineas is one considerably exceeding the rate which would be adequate remuneration for a large portion of the assistance which suitors before Parliament require from counsel; and your Committee believe that it also exceeds the rate which many junior counsel, even among those who are dedicating themselves to Parliamentary practice, would be willing to accept.

"The information with which your Committee have been favoured by the Attorney General on the subject of counsel's fees, and which will be found in his evidence, satisfies your Committee that the uniform scale of daily fees which obtains at the Parliamentary bar, while it is one of comparatively recent origin, is not one established by rules that are recognised by the bar at large.

"The Attorney General has stated, that if a counsel think fit to take a brief before Parliament with fees below those ordinarily paid, he would not infringe any rule of etiquette of the bar in general. 2866.

"Under these circumstances, your Committee entertain the hope that, with the concurrence of both branches of the legal profession, a modification of the present practice will take place which will allow counsel to be employed before Parliamentary Committees as in the ordinary Courts at such a liberal scale of fees as may be mutually satisfactory to the agents for the Bills and the counsel employed; and your Committee feel confident, that those gentlemen who now belong to the Parliamentary bar will not oppose themselves to a change that will be beneficial at once to many of their brethren at the ordinary bar, and to the suitors before Parliament.

Charges for copies of Minutes of Evidence.

"17. Your Committee have examined Mr. Frere, the Taxing Master of the House, and have had before them a Report, containing a revised list of charges for Parliamentary agents, attornies, solicitors, and others, submitted by him to the Speaker, in a letter dated 5th February 1863. Appendix.

"Your Committee have not thought it necessary to examine the revised list of charges proposed by Mr. Frere, that subject being within the cognizance of Mr. Speaker, and already under his consideration, as recommended by the Standing Orders Committee of last Session. They, however, think it incumbent on them to express their views with respect to one of the established charges which Mr. Frere proposes, as your Committee think very properly, to reduce, viz., the solicitor's charge of 8 *d.* per folio, for copies of Minutes of Evidence. Those copies are, in fact, procured by the solicitor to be made at a cost of 2 *d.* per folio only, without any labour on his part, or on the part of his establishment; and when the copies are multiplied to the extent that is common in contested cases, the charge at 8 *d.* per folio becomes a very large item in the expenses.

"Your Committee have carefully considered the two papers annexed to Mr. Frere's Report, headed 'Reasons against the proposed change in the charge of copying Parliamentary Documents authorised by the existing Table of Fees,' and 'Notes on Fees of Parliamentary Agents,' and also the evidence given by the professional witnesses who have been examined by your Committee; but it appears to them, that the very large profits now derived by solicitors from the charge of 8 *d.* per folio for copies of Minutes of Evidence is indefensible; and your Committee are of opinion, that for such copies, no higher rate of charge should be allowed in taxation than 4 *d.* per folio.

"A recommendation in accordance with that opinion is among the Resolutions at the foot of this Report.

House Fees.

"18. Some evidence has been given to the effect that the fees payable on Private Bills in the two Houses are higher than is required to compensate the Houses for the charges thrown upon them by the Private Business, and particular objection has been urged against the amount of the *ad valorem* fees in the House of Commons. Mr. Rickards, 348. Mr. Coates, 1487.

"Your Committee think this a matter deserving of consideration, and that it would be expedient that the attention of Mr. Speaker should be called to the subject; and they would suggest that he should, if practicable, confer with the authorities of the House of Lords with a view to see whether, after making adequate provision for all expenses incurred by the two Houses in meeting the requirements of the Private Business, any reduction in the amount of such fees may properly be made.

"A recommendation upon this subject will be found among the Resolutions at the foot of this Report.

Schedule in notice to owners, &c.

"19. The attention of your Committee has been directed to the schedule, which in cases of Bills included in the second class, is required by the 19th Standing Order to be annexed to the notices to owners, lessees, and occupiers of lands and houses in the form set forth in the Appendix to the Standing Orders, marked (A.)

"The principal object of that schedule appears to be, to state whether the property alluded to in the notice is in the line, or within 11 yards of the line of the proposed work, or whether it is merely within the limits of deviation; and in the former case to show the

greatest height of embankment and depth of cutting, when the property is intersected by the centre line.

Mr. Coates, 1461. Mr. Baxter, 3243. "Witnesses of experience have expressed to your Committee the opinion, that while the information given in that schedule is practically of little use in any case, and in some cases may mislead the persons receiving the notice, the preparation of the schedule forms a large proportion of the expense at present attending the giving the notices required by the 19th Standing Order.

2264. "Mr. Bidder has recommended that, in lieu of the schedule, there be sent with the notice, a copy of a portion or portions of the deposited plan and section, sufficient to show the property referred to in the notice, and distinguishing such property by colour.

"The change proposed by Mr. Bidder appears to your Committee an useful one, and a recommendation in favour of it will be found among the Resolutions at the foot of this Report.

Days of grace for amendment of plans, &c. for deposit.

"20. Mr. Bidder, who has great practical knowledge of the business of preparing Railway projects for the consideration of Parliament, has stated to your Committee, that the present obligation to deposit the plans on a particular day (viz., 30 November), on pain of losing the Session in case of failure, is sometimes the cause of plans being lodged which are known to be imperfect, but which there has not been time to correct. In such cases the parties have occasionally been constrained, with a view to get rid of objections under the

2217. Standing Orders, to pay large sums to persons entitled to raise these objections. It is suggested by Mr. Bidder, that without inconvenience to those who are interested in seeing the plans, the Promoters might be allowed three days of grace for depositing or perfecting their plans, paying 100*l.* for each day of grace so taken.

3101. "Your Committee have had the advantage of consulting, as to this suggestion, the Chairman of the Standing Orders Committee, who thinks that its adoption might be desirable. Your Committee concur in that view, and a recommendation in favour of it will be found among the Resolutions at the foot of this Report.

Board of Trade Reports.

"21. Amongst other subjects to which the attention of your Committee has been directed are the Reports on Railway and Canal Bills, and Bills relating to Harbours, Docks, and Tidal Waters, made by the Board of Trade, under an Order of the House of Commons in each Session. That Order appears to have originated in a recommendation contained in the Fifth Report (page 21) of the Select Committee on Railway and Canal Bills of 1853, that 'the Railway Department of the Government should afford all the advice and assistance which the Committee [the General Committee on Railway and Canal Bills] may desire.'

"It has been the practice of the Board of Trade to issue, at the commencement of the Session, a 'General Report,' having for its principal object to classify all the Railway and Canal Bills deposited for the Session, according to the districts to which they relate, with a view to assist the General Committee on Railway and Canal Bills in the arrangement of the Bills into groups for consideration by Select Committees; and 'Further Reports,' from time to time, which are special reports on each of the Bills which pass the second reading. These 'Further Reports' are for the most part confined to a notice of matters contained in the Bills which are not more within the cognisance of the Board of Trade than of the officers of the Houses of Parliament.

"The 'General Report,' and 'Further Reports' are printed by order of the House, and delivered to every Member, and the expense of such publication is considerable.

1212. "It has been represented to your Committee by Mr. Booth, that these Reports are necessarily very imperfect, both on account of the limited space within which the remarks must, from a due regard to economy in printing, be confined, and also from the very limited time afforded for their preparation, and that the business of making reports so numerous and so full as those which the Board of Trade have furnished in recent Sessions is seriously burdensome to the officers of that Board, at a time when their ordinary business is increased by other duties connected with public and private legislation.

"For the preparation of their Reports, the Board of Trade have before them the Bill in the form in which it was originally deposited in the month of December, which is frequently not in all respects the same as that in which it is presented to the Select Committee on the Bill; and they have no information as to the 'additional provisions' which promoters now frequently obtain leave to introduce, a circumstance which must detract from the value which the Reports might otherwise have.

"As to the utility of the 'Further Reports' there appears to be some diversity of opinion amongst those persons examined by your Committee who have expressed their views on the subject.

"Your Committee think that the classification of Bills for grouping, and occasionally a more specific description of the objects of certain Bills, *e. g.*, those relating to Metropolitan Railway Communication, such as are contained in the 'General Report' of the present Session, have their advantages; but it appears to your Committee that in the 'Further Reports' the Board of Trade have been exercising functions which are also performed, and can be better performed, by officers of the Houses of Parliament, viz., the Counsel to the Speaker in the House of Commons, and the Counsel to the Chairman of Committees in the House of Lords, and consequently it seems to your Committee to be questionable whether the utility of the 'Further Reports' is such as to make it expedient to require this kind of assistance from the Board of Trade.

"Under all the circumstances, your Committee have come to the conclusion that it would

would be expedient to dispense with these 'Further Reports' of the Board of Trade, and to expect from that Board only a General Report containing a classification of the Railway Bills of the Session with reference to grouping purposes, together with an account of the length of the lines, and any other information specially within the reach of the Board of Trade, which may be useful to the Select Committee in the consideration of the Bills."

Draft Report proposed by Mr. *Lowe*, read 1°, as follows:—

"Opposed Bills.

"The following defects appear to exist in the present manner of hearing and adjudicating on the cases of the promoters and opponents of Private Bills: First, that the case is heard twice over by two courts of original and co-ordinate jurisdiction, not by way of appeal or rehearing, but as a matter of course. It is just as if a man were obliged to establish his case before two juries, in order to obtain a judgment in his favour in an ordinary suit at law. Secondly, the duty imposed on the Committee is one of the most difficult and delicate that can possibly be imagined. That duty is to conduct an inquiry which may be compared to a suit at Nisi Prius, where the stake is very large, where the facts are complicated and difficult, the parties often numerous, and the questions of evidence intricate and embarrassing. To do this well, and to maintain the requisite control over a learned, able, and energetic Bar, is the highest achievement of the best and most accomplished judge. Yet this task is demanded of five Members of Parliament—gentlemen, doubtless, generally of more than average capacity, but seldom trained to the study of the law, and yet more rarely to its actual practice. Five persons are to exercise the discretion which in the courts of law a long experience has induced us to trust to one. Men untrained in law are required to measure themselves against the most acute and practised legal intellects. Thirdly, their other avocations leave but a short time for their sittings compared with the practice of other courts, and much of that time is often wasted in discussions, which a more experienced tribunal would be able immediately to stop. Fourthly, it is as it were to try civil suits before a jury without the assistance of a presiding Judge. The very merit of a jury, that they are persons called out of the community to discharge a particular duty, and who, when that duty is performed, fall back into the class from which they were taken, renders a jury utterly unfit to preserve judicial traditions, or to maintain that uniformity of decision which is the most valuable part of the administration of justice. Great as the value of a decision is to litigant parties, its value is multiplied a hundredfold when it becomes a rule by which others may guide themselves in similar circumstances, without being obliged to go to law. All these things apply with little less force to Parliamentary Committees than to juries. Fifthly, after 20 years of railway contests, carried on at an enormous expense of money, and with the most signal energy and ability, scarcely a single rule of practice, or a single principle of decision, can be said to be established. The House knows little of the principles on which its Committees proceed; the Committees know little of the principles which guide each other. The questions of *locus standi*, which approach nearest to legal precision, are solved in different ways in different Committees. The result is, an uncertainty which is not only cruel to those who undertake these enterprises, but tends to an indefinite increase of litigation. No one's case is so good that he can feel confident; no one's case is so bad that he has any occasion to despair. No one can say who is right or who is wrong, for right and wrong presuppose a standard; and though 30 or 40 millions have been spent in railway litigation, that standard has never been established.

"We think that the best remedy for this state of things is to be found in relieving the Committees of both Houses of Parliament from duties for which it is no discredit to them to say they are not fitted, whether by their training or their constitution. It is proposed that a tribunal should be established, connected with the Board of Trade, open all the year round except during the ordinary vacations, and presided over by a distinguished lawyer, holding his place on the same tenure as the other judges of the land, and assisted by a practical engineer of high reputation. In this tribunal we would propose to vest the jurisdiction at present exercised by the Committees of the two Houses of Parliament, subject to such preliminary conditions as to notices, plans, deposits, and other matters as at present. This Judge should preside over the oral examination of witnesses, and hear the arguments and addresses of Counsel, and should then have power to declare the Preamble proved or not proved, and to settle the Clauses of the Bill. If his decision were acquiesced in, the Bill might be passed through both Houses in the Schedule to a General Act: the Judge shall be bound to give, in writing, the grounds of his decision. Should either party appeal from that decision, the short-hand writer's notes of the Proceedings before the Judge, together with the reasons of his decision, should be printed, and each party might be allowed to prepare a printed case, according to the practice in appeals before the Judicial Committee of the Privy Council. Upon these materials a joint Committee of both Houses, if they can be induced to appoint one, or, if not, a Committee of each House, sitting in the same room, might hear the addresses of Counsel, and decide; and in case the Preamble appear to them to be proved, the Bill might follow the same course as if no appeal had been made.

"By this procedure it is believed that while Parliamentary Committees would be relieved from that part of their present duties, the taking of Evidence, and deciding on the objec-

tions of counsel, which they are least able to perform in a satisfactory manner, the control of Parliament over private legislation would be effectually retained, and many just causes of complaint entirely removed. Freed from the duties of a judge at Nisi Prius, and possessing, in print, the materials to which the arguments of counsel were to be directed, the Committee would come to the inquiry with every advantage and every assistance towards forming a right decision. As cases would probably be much fewer, and the labour of the Committee very much less, it would probably be found possible to secure Members of the greatest weight and experience to serve on these Committees of Appeal. The suitor would have a court to resort to, open all the year round, instead of being confined to the Session of Parliament, and would therefore have a better choice of professional assistance. The hearings would be much shorter, and the Bar and the Court being accustomed to each other, would mutually assist in the transaction of business. And what is of more consequence, before a single tribunal, an uniform system of practice, and stable principles of decision, would be established. As soon as it was felt that the Court was bound by its own decisions, those decisions would be reported and cited. In a few years the present uncertainty would disappear, and be replaced by a system which would guide future litigants, and save a vast amount of unnecessary expense and vexatious litigation."

Draft Report proposed by Mr. *Whalley*, read 1°, as follows:—

"The most obvious division of the cases that come before Parliament for legislative concessions is that of Unopposed Bills and Opposed Bills.

"As to the first, there is a general concurrence that the forms of Parliamentary sanction, attended as these are with great cost, and, throughout all their stages, such a degree of uncertainty as precludes the possibility of any previous estimate by the Promoters of what may be the amount of those costs, may be dealt with by some department exercising ordinary administrative duties; all that is required in such cases being the due compliance with certain prescribed regulations.

"As to the other class of cases, there is much diversity of opinion. Professional familiarity with the proceedings before Committees naturally induces a preference for the present system over any other that could be devised, and this quite apart from the pecuniary interests of those who may be consulted on the subject.

"Such has been, without any exception, the case with respect to every reform which has ever been proposed or adopted in our judicial system; to which, in this case, there is to be added, that in so far as the clients of these professional men consist of the existing Railway Companies, their interest accords with that of their agents, it being obvious that once in possession of a route or a district, they desire nothing so much as to be left in quiet possession of it, and whatever cost or risk may attend new enterprises add to the security of existing Companies against the intrusion of competitors; and still more valuable to them is any system which enables them to accumulate costs and to increase the risks of new adventures.

"The interests that demand new Railways have no organization; whereas the existing Railways can act with all the promptitude and vigour of above 400 millions of capital; and it may not be expedient to wait for a reform of the system, so far as unopposed Bills are concerned, until the objections that would be raised against any material change in the system as to opposed Bills could be overcome, aided as those objections would be by *bonâ fide* differences of opinion as to the exact nature of the tribunal that should be substituted for the present Committees.

"Under these circumstances, it is the opinion of the Committee that the case of unopposed Bills should be first dealt with, and that these should be referred to a department specially constituted for the purpose of ensuring the compliance with the Standing Orders of Parliament or the provisions of the Act.

"In framing such Bill, it is to be remembered that a Bill, though unopposed by any private interest, may yet be greatly prejudicial to public interests, or less beneficial than it might be made. A new railway may be, on the whole, such a benefit to the district as to disarm any opponents, and yet may be much less beneficial than some other line that would be equally acceptable to all entitled to be consulted.

"The department to which unopposed Bills are referred, should have the power of making such alterations as they may deem necessary, with the concurrence of all parties interested; and should, for this purpose, be invested with powers of inquiry, either local or otherwise, as their experience may suggest; also powers of arbitration between parties consenting to the adjudication of such department.

"Such a department, if properly administered, will speedily gain the confidence of the public and of Parliament, and will supply the deficiency which most marks the present system, viz., that all the experience that is acquired in the adjudication on separate Bills is wholly lost by the instant dissolution of the Court by which such experience is necessarily and most effectively acquired; and it may reasonably be anticipated that in addition to the direct benefit which will be conferred, and the encouragement afforded to useful enterprises, such a department will have the means of collecting such facts, and so bringing them to the knowledge of the public and Parliament as will gradually, and with the utmost safety, enable Parliament to rectify whatever is capable of being rectified in such inquiries as may still be prosecuted before Committees on Opposed Bills.

"The

"The following extract from the Report of the Committee, which sat in 1846, appears to this Committee well worthy of attention in the constitution of any such department as is above suggested:

"'No provision is made for furnishing the Committees which sit upon Private Bills 'with complete and trustworthy information, either with regard to the local evils 'requiring remedies, or with regard to the bearing which the provisions proposed in them 'may have upon the general law of the country. As the public are not represented 'before the Committee by any competent or duly qualified person, the Committee, when 'the Bill is unopposed, are wholly dependent for information on the interested represen-'tations of the Promoters, inasmuch as the expenses of opposition are such as to deter 'all parties from venturing to undertake it, except those whose interests are directly 'affected by the project, and who are also possessed of considerable means. The conse-'quence is, that under the present system, the interests of the public at large, who have 'neither the means of obtaining detailed information as to the proposed measures, nor 'the means of defraying the expenses of opposition, are often greatly prejudiced by 'Local Acts.'

"With reference to Opposed Bills and the inquiry demanded in respect to such Bills, this Committee is not prepared to recommend specific remedies for the complaints which so generally prevail.

"The first question is, whether these inquiries should still be conducted by Committees of the Houses of Parliament.

"The Earl Grey has reiterated the opinion on former occasions expressed by his Lordship, that it is expedient that these inquiries should be delegated to some tribunal other than that of Committees. Mr. Rickards, the counsel of Mr. Speaker, has expressed a like opinion; and such also are the views of Mr. May, the experienced Clerk of the House of Commons.

"The Committee, therefore, feel justified in expressing their opinion, that no constitutional question is involved in delegating such inquiries to a department; to which it may be added that the experience as to those classes of Bills which have been already referred to Departments of the Government, is favourable to such a change."

Resolved, That the Resolutions to be proposed by the Chairman be now considered.

Motion made, and Question proposed, "That it is the opinion of this Committee, 1. That a Bill founded on the principle of the Railways Clauses Consolidation Acts should be immediately prepared, and, if possible, passed this Session, for the further consolidation of the clauses usually contained in Railway Acts."—Amendment proposed, after the word "Bill" to insert the words "or Bills,"—(Mr. *Paull*).—Question, "That those words be there inserted," put, and agreed to. Further amendments made.—Main Question, as amended,—put, and agreed to.

Resolved, That it is the opinion of this Committee, "1. That a Bill or Bills founded on the principle of the Clauses Consolidation Acts should be prepared, and, if possible, passed this Session, for the further consolidation of the clauses usually contained in Railway Acts and other classes of Private Acts."

Resolved, "2. That a Bill be prepared and brought in for enabling new and existing Railway Companies, on compliance with conditions to be contained therein, such compliance to be certified by a department, to make new lines of railway and new railway works, when all parties are consenting, and also for accomplishing the following objects:

"1. Giving power to two or more companies to enter into mutual arrangements for the working or use of their respective lines for limited periods.

"2. Giving extension of time for the sale of superfluous lands by Railway Companies.

"3. Power for raising further capital, with preferential dividends or otherwise, for completion of existing lines, or for additional works, the priority of the rights of existing preference shareholders being secured."

Proposed Resolution, "3. That Bills unopposed in the Lords be not committed in the Commons, and *vice versâ*"—Postponed.

Proposed Resolution, "4. That with a view of saving the expense and loss of time now occasioned by the double hearing of contested cases by Committees of each House of Parliament, an arrangement should, if possible, be effected by which an opposed Bill originating in either House would be referred to a joint Committee of Lords and Commons; each House retaining the power to direct the re-commitment of the Bill to the same Committee. That such joint Committee should consist of three Members of the House in which the Bill originates, one of them to be the Chairman, not having a vote except in case of equality, and two Members of the other House. That with this view arrangements should be made that one-half of the Bills should originate in each House."—Postponed.

Motion made, and Question proposed, "That, considering the large discretion which must necessarily be vested in any tribunal, however constituted, to which may be entrusted the duty of reporting to the House on opposed Private Bills, and the absence of fixed rules for the guidance of such tribunal, it is not expedient that this duty should be performed otherwise than by Committees of the House."—(Lord *Stanley*).—Question put.—The Committee divided:—

Ayes, 7.	Noes, 6.
Mr. E. P. Bouverie.	Mr. Liddell.
Mr. Forster.	Mr. Lowe.
Mr. Hennessy.	Colonel Wilson Patten.
Mr. R. Hodgson.	Mr. Paull.
Mr. Massey.	Mr. Walpole.
Mr. Puller.	Mr. Whalley.
Lord Stanley.	

Motion made, and Question put, "That the existing practice, which entitles the opponents of a Private Bill passed by one House of Parliament to claim another hearing before a Committee of the other House, is a valuable security against unwise or unjust legislation."—(Mr. *Puller*).—The Committee divided:—

Ayes, 3.	Noes, 10.
Mr. Paull.	Mr. E. P. Bouverie.
Mr. Puller.	Mr. Forster.
Mr. Whalley.	Mr. Hennessy.
	Mr. R. Hodgson.
	Mr. Liddell.
	Mr. Lowe.
	Mr. Massey.
	Colonel Wilson Patten.
	Lord Stanley.
	Mr. Walpole.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 8° *die Junii*, 1863.

MEMBERS PRESENT:

Mr. Milner Gibson in the Chair.

Mr. Puller.	Mr. Bouverie.
Mr. R. Hodgson.	Mr. C. Forster.
Lord Stanley.	Mr. Lowe.
Colonel Wilson Patten.	Mr. Walpole.
Mr. Massey.	Mr. Whalley.
Mr. Paull.	

Paragraph (to be proposed, on consideration of Report, by Mr. Puller) read 1°, as follows:

"It is admitted on all hands that one of the most effective methods of diminishing the costliness of Private Bill Legislation will be to shorten the time now occupied in the examination of witnesses. On the other hand, it is very essential, both for preventing waste of time and for securing right decisions, that there should be no surprise on either side, that each party should know when he comes before a Committee what is the real nature of his opponent's case. Whenever, for want of such knowledge, the evidence and arguments on either side have not been brought out in all their fulness and strength, there is sure to be dissatisfaction with the decision of the Committee, and a strong desire for

for a second hearing. Again, if each side had the opportunity of knowing beforehand the exact strength of their opponent's case, and the real reasons for their opposition, it is probable that many compromises would be arranged, and the number of contested cases diminished. At present a landowner often drifts into an opposition which he never would have sanctioned if he could have seen the evidence to be produced for the Bill, and taken good advice thereupon.

"To secure these advantages, statements in the nature of pleadings would be of no use. The preparation of such statements would be an additional item of expense, and there would soon grow up an elaborate system of drawing them in such a form as to reserve the right of tendering all evidence which could be of use, without prematurely disclosing to the other side the real nature of that evidence.

"But if each party were obliged (as he is in the Court of Chancery) to file beforehand, in the shape of affidavits, all the evidence in chief on which he intended to rely, there could be no such concealment.

"The professional witnesses examined before the Committee object to that system, chiefly because of the advantage, to the Court which tries a case, of seeing the witness himself, and judging, from the manner in which he gives his answers, of his truthfulness and intelligence. That is no doubt a real advantage, but then it would not be lost, in respect of those witnesses as to whom it is of real importance, if, after all the affidavits and counter affidavits had been filed, each party could require any particular witnesses for the other side to appear before the Committee for the purpose of being cross-examined.

"The course of proceeding would be as follows: the promoters would be bound to file by a certain day the affidavits on which they intend to rely. The opponents would then have a fixed time to file affidavits in answer, and the promoters a further time to file affidavits strictly in reply to those of the opponents. Either party might serve notices for such and such witnesses to appear before the Committee and be cross-examined. At the hearing of the case, the counsel for the promoters would hand to each Member of the Committee printed copies, one after another, of the affidavits which he wished to be evidence in the cause, and would actually read out either the whole or portions of such affidavits at his discretion. As the evidence in chief of each witness was closed, the opponents might, if they had given notice, call upon him to appear and be cross-examined, and his cross-examination and re-examination would then proceed and be taken down, as now, by the shorthand writer. The same course would then be gone through with the affidavits of the opponents.

Now even if each counsel read all his affidavits at full length, he would do it much more quickly than he could possibly get out all the same facts by the process of question and answer; retarded as a counsel frequently is, by the chairmain or the shorthand writer, who cannot keep pace with him in taking their notes, or by the dulness of a witness who misunderstands his questions.

But the truth is, that in every long case there are many things which a counsel feels himself obliged to prove, that his case may not be incomplete; but which, when proved, are allowed to drop out of sight. All such evidence it would be sufficient to put in and enter as read, without actually reading it, and the Committee, having the affidavits in their hands, would be able to interpose a suggestion for saving time much more frequently and more safely than they can do it now, when it is often impossible for them to foresee whether the evidence which the witness is giving, however tedious and useless it may appear, may not be introductory to some of a more important character.

Upon the whole, there is strong reason to think that the time now occupied in the examination of witnesses, would be shortened by at least one-fourth, and probably one-third, while the printed affidavits would cost less than the same evidence elicited *vivâ voce*, taken down by the shorthand writer, and printed or copied, as now, in the form of question and answer.

To this must be added, that many witnesses would not be served with notice of cross-examination, and the whole expense of their travelling and attendance in London would be saved.

Proposed Resolutions 3 and 4—(*Chairman*)—further postponed.

Motion made, and Question—"That it is the opinion of this Committee, That, with a view of saving the expense and loss of time now occasioned by the double hearing of contested cases by Committees of each House of Parliament, an arrangement ought to be come to by the two Houses by which a single hearing might be made to serve the purpose of the present double inquiry"—(*Chairman*)—put, and agreed to.

Motion made, and Question—"That it is the opinion of this Committee, That opposed Bills, having passed through a Committee of the House of Commons, should be dealt with as unopposed Bills in the House of Lords, and *vice versâ*; but that each House should nevertheless retain the power of referring any Bill to a Committee, if from special circumstances that course should appear desirable"—(*Chairman*)—put, and agreed to.

Motion made, and Question—"That it is expedient that the number of Members serving on Private Bill Committees be reduced from five to three"—(Lord *Stanley*)—put, and agreed to.

Motion made, and Question—"That such Committees be ordered to meet at eleven of the clock"—(Lord *Stanley*)—put, and agreed to.

Motion made, and Question—"That no Member should be required to serve on a Private Bill Committee for more than ten sitting days in one Session, except for the purpose of closing the hearing of a case already commenced"—(Lord *Stanley*)—put, and agreed to.

Motion made, and Question proposed, (5.) "That in cases in which it is thought fit to admit petitioners to be heard upon their petitions against any Bill on the ground of competition, the Committee on the Bill have power, when unanimous, to award to the promomoters of the Bill their costs of meeting an unsuccessful opposition on the ground of competition"—(*Chairman.*)—By leave withdrawn.

Motion made, and Question proposed, (6.) "That although your Committee recognise the propriety of a more liberal scale of fees to counsel practising at the Parliamentary bar than that which prevails in the ordinary Courts of Law and Equity, the Parliamentary bar ought not by any rule of its own to prevent counsel from accepting briefs before a Committee of either House of Parliament according to the same rules as to fees which are observed in the Courts of Law and Equity"—(*Chairman.*)—By leave withdrawn.

Motion made, and Question, "That independently of the fees marked on the brief when delivered to counsel, no further or other fees shall be allowed on taxation than five guineas a day as a refresher for attendance, and two guineas a day for consultation"—(Mr. *Walpole.*)—put, and agreed to.

Motion made, and Question proposed, (7.) "That the charge to be allowed on taxation for copies of Minutes of Evidence supplied by the solicitor be not higher than 4*d.* per folio"—(*Chairman.*)—By leave withdrawn.

Motion made, and Question, "That the payment of solicitors by means of fees on copies of Minutes of Evidence, and other documents which entail no labour upon them, is improper, and ought to be abolished"—(Mr. *Hodgson.*)—put, and agreed to.

Motion made, and Question put, "That it is expedient that the Minutes of Evidence be printed"—(Mr. *Whalley*)—The Committee divided:

Ayes, 5.	Noes, 2.
Mr. Hodgson.	Mr. Massey.
Mr. Lowe.	Colonel Wilson Patten.
Mr. Paull.	
Mr. Puller.	
Mr. Whalley.	

Resolved, "That it is expedient that the Minutes of Evidence be printed."

Postponed Resolution 3.—(*Chairman.*)—By leave withdrawn.

Proposed Resolution 4.—(*Chairman.*)—By leave withdrawn.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 15° *die Junii*, 1863.

MEMBERS PRESENT:

Mr. Milner Gibson, in the Chair.

Mr. R. Hodgson.	Mr. Lowe.
Mr. Massey.	Mr. C. Forster.
Mr. Liddell.	Lord Stanley.
Mr. Puller.	Mr. Whalley.
Mr. Walpole.	Mr. Paull.

Motion made, and Question, (8.) "That it be recommended to Mr. Speaker to revise the scale of fees payable upon proceedings connected with Private Legislation, with a view to see whether, after making adequate provision for all expenses thrown upon the House by the requirements of the Private Business, any reduction in the amount of such fees may properly be made—(*Chairman*)—By leave withdrawn.

Motion made, and Question, "That it is the opinion of this Committee, That the scale of fees payable upon proceedings connected with Private Legislation ought to be revised so as to meet, but not exceed the expenses thrown upon the House by the Private Business"—(Mr. *Hodgson*)—put, and agreed to.

Motion made, and Question, "That it is the opinion of this Committee, That the system of charging *ad valorem* fees on a scale proportionate to the capital proposed to be raised by any Private Bill ought to be discontinued, and that there should be charged a uniform fee

on

on all Private Bills in their several stages through the House"—(Mr. *Hodgson*)—put, and agreed to.

Motion made, and Question (9.), "That it is the opinion of this Committee, That, in cases of Bills in the second class, in lieu of the schedule annexed to notices to owners, lessees any occupiers of lands and houses prescribed by Standing Order 19, and by the form in the Appendix marked A. to the Standing Orders, there be sent with every notice under Standing Order 19 a copy of a portion or portions of the deposited plan and section sufficient to show the property alluded to in the notice, and distinguishing that property by colour,"—(*Chairman*)—put, and agreed to.

Motion made, and Question proposed (10.), "That with respect to deposits required by the Standing Orders to be made on or before the 30th of November, original or amended deposits made on the 1st, 2d, or 3d of December immediately preceding the application for the Bill be deemed sufficient, upon the parties, who avail themselves of such days of grace, paying at the rate of 100*l.* for each day of grace of which they avail themselves; the sums so payable to be paid together with the fees on the deposit in the House of Commons Private Bill Office of the documents in respect of which they are to be paid"—(*Chairman*)—By leave, withdrawn.

Motion made, and Question put, "That the notices required to be advertised in metropolitan papers (in addition to local newspapers), except the London, Edinburgh, and Dublin Gazettes, should be discontinued"—(Mr. *Hodgson*)—The Committee divided:

Ayes, 6.	Noes, 2.
Mr. Forster.	Mr. Lowe.
Mr. Hodgson.	Mr. Puller.
Mr. Liddell.	
Mr. Massey.	
Lord Stanley.	
Mr. Whalley.	

Motion made, and Question proposed, "That, with a view of deciding questions arising in Private Bills by a more speedy and less expensive process than an inquiry by a Committee on opposed Bills, it is expedient to empower the Committee of Selection, and the General Committee of Railway and Canal Bills, at any time after the committal of such Bills, with the consent of all parties promoting and opposing, to refer the same wholly or with reference to particular clauses to the Chairman of the Committee of Ways and Means, and that such Chairman, together with Members to be appointed in like manner as Members of the Committee of unopposed Bills, should be empowered to hear the parties promoting and opposing such Bills, or their agents, and to report upon the same to the House"—(Mr. *Massey*).—Question put.—The Committee divided:

Ayes, 5.	Noes, 3.
Mr. Forster.	Mr. Hodgson.
Mr. Liddell.	Lord Stanley.
Mr. Lowe.	Mr. Whalley.
Mr. Massey.	
Mr. Puller.	

Motion made, and Question put, "That it is the opinion of this Committee, that competition is not a valid ground of opposition to new projects"—(Mr. *Whalley*).—The Committee divided:

Ayes 4.	Noes, 4.
Mr. Hodgson.	Mr. Forster.
Mr. Liddell.	Mr. Massey.
Mr. Lowe.	Mr. Puller.
Mr. Whalley.	Lord Stanley.

Whereupon the Chairman declared himself with the Ayes.

Motion made, and Question, "That the Draft Report, proposed by the Chairman, be now read 2°, paragraph by paragraph"—(*Chairman*)—put, and agreed to.

Paragraphs 1, 2, and 3, read, and agreed to.

Paragraph 4 read, amended, and agreed to.

Paragraphs 5, and 6, read, amended, and agreed to.

Paragraph 7, read, considered, and agreed to, as far as the word "point;" remaining portion of the paragraph postponed.

Paragraph 8, read, amended, and agreed to.

Paragraph 9, read, and negatived.

Paragraphs 10 and 11, read, amended, and agreed to.

Paragraph 12, read, considered and agreed to as far as the word "it;" remaining portion of the paragraph postponed.

Paragraphs 13 and 14, read, amended, and agreed to.

Paragraph 15, read.

[Adjourned to Thursday next, at half-past One o'clock.

Jovis, 18° *die Junii*, 1863.

MEMBERS PRESENT:

Mr. Milner, Gibson, in the Chair.

Mr. R. Hodgson.	Lord Stanley.
Mr. Massey.	Mr. Hennessy.
Mr. Liddell.	Mr. Bouverie.
Mr. Lowe.	Mr. Puller.
Mr. Adair.	Mr. Whalley.
Mr. Paull.	

Postponed paragraph 7—Amendment made, by leaving out the words "On these views your Committee would remark, that the opinions expressed by those of the persons examined before them, who are practically engaged in the contests that now take place, are in favour of the fullest inquiry into all the circumstances under which new powers, either for constructing railways, or for combining the working of existing lines, are sought to be obtained from Parliament; and consequently, although your Committee think that parties opposing on the ground of competition might, in cases where the Select Committee thought that there were no special reasons to justify the opposition, properly be subjected to costs, they hesitate to recommend any such limitation as that proposed of the classes of persons who shall be permitted to bring the merits of the scheme under the scrutiny of the Committee, or of the grounds on which landowners especially are, according to the present practice, admitted to raise objections to the granting of the new powers."

Amendment proposed, "That the following words be added at the end of the paragraph, as amended: 'That your Committee are not prepared to adopt this view, so far as concerns landowners. They think, however, that Railway Companies whose lines of railway or works are not proposed to be interfered with, should not be allowed to be heard against new schemes, on the ground that such new schemes would compete with the existing lines.'"—(*Chairman.*)—Proposed amendment, and further consideration of paragraph 7, postponed.

Postponed paragraph 12 further considered.—Amendment proposed, to leave out from the words "Your Committee think" to the word "measure," in order to insert the words "are not prepared to recommend the adoption of this proposal,"—(Mr. *Bouverie*)—instead thereof.—Question put, "That the words proposed to be left out stand part of the paragraph," put, and negatived.—Question, "That those words be there inserted," put, and agreed to.

Further Amendments made.—Amendment proposed, to add the following words at the end of the paragraph: "Your Committee also recommend that the quorum be reduced to two"—(Mr. *Puller*).—Question put, "That those words be there added."—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. Adair.	Mr. Bouverie.
Mr. Massey.	Mr. Hennessy.
Mr. Paull.	Mr. Hodgson.
Mr. Puller.	Mr. Liddell.
Lord Stanley.	Mr. Whalley.

Whereupon the Chairman declared himself with the Ayes.

Amendment proposed, "That the following words be added at the end of the last amendment: 'They further recommend that such Committees should be ordered to meet at 11 o'clock; and that no Member should be required to serve on a Private Bill

Bill Committee for more than 10 sitting days in one Session, except for the purpose of closing the hearing of a case already commenced.'"—(Mr. *Hodgson*)—Question, "That those words be there added," put, and agreed to.—Question, "That this paragraph, as amended, stand part of proposed Report," put, and agreed to.

Paragraph 15 agreed to.

Paragraph 16—Amendments made—Amendment proposed, after the word "counsel," in line 8, to insert the words, "but looking to the fact that the pecuniary interests at stake (and it is such interests that should regulate the settling fees) are in general far higher in cases before this House than in cases before the ordinary Courts of Law. Your Committee are of opinion that the fees paid to counsel who appear before Private Bill Committees are not higher than the usual practice of the legal profession, and the interests of the public require"—(Mr. *Hennessy.*)—Question put, "That those words be there inserted.—The Committee divided:

Ayes, 3.	Noes, 6.
Mr. Hennessy.	Mr. Adair.
Mr. Paull.	Mr. Bouverie.
Mr. Whalley.	Mr. Hodgson.
	Mr. Liddell.
	Mr. Massey.
	Mr. Puller.

Further consideration of the paragraph postponed.

Motion made, and Question, "That notice be sent to the Members of the Committee informing them that a Motion will be submitted to rescind the 12th Resolution of the Committee of the 15th instant"—(Mr. *Paull*)—put, and agreed to.

[Adjourned to Monday next, at One o'clock.

Lunæ, 22° *die Junii*, 1863.

MEMBERS PRESENT:

Mr. Milner Gibson in the Chair.

Mr. C. Forster,	Mr. Paull.
Mr. R. Hodgson.	Mr. Whalley.
Mr. Adair.	Mr. Lowe.
Mr. Liddell.	Mr. Puller.
Lord Stanley.	Colonel Wilson Patten.
Mr. Walpole.	Mr. Massey.

Paragraph 16, further considered, amended, and agreed to.

Paragraph 17.—Amendment proposed, after "1863" to insert the words—"which they approve; but they are of opinion that the fee of 8*d.* per folio of 72 words for the supply of copies of Minutes of Evidence taken before Committees ought to be abolished. This fee is paid to solicitors in the case of English Bills, and to Parliamentary agents in the case of Scotch Bills; but in no case is there any responsibility or mental labour incurred, the transcript of the Evidence furnished by the short-hand writer being handed to a law stationer, who produces the requisite number of copies in lithography or manuscript at an early hour the next morning for the use of counsel and the parties concerned, at a cost of 2*d.* per folio.

"The Evidence before your Committee is strongly condemnatory of this fee, and Mr. Frere, who proposes to reduce it from 8*d.* to 4*d.*, says, that if solicitors cease to 'supply' the copies, the ground for retaining the fee is taken away, and that the other fees, which are on a higher scale than in other courts, are sufficiently remunerative without it. In this view, Mr. May and other witnesses concur, and your Committee are convinced that, under any circumstances, the fee should be abolished; and if it be requisite to substitute some other mode of remuneration to solicitors and Parliamentary agents, it should be in the shape of payment for work *bonâ fide* done.

"The change recommended by your Committee in the mode of supplying the copies of Evidence, viz., by means of printed copies, furnished under contract, will at once diminish the expense to parties, and afford convenience to counsel, and Members of Committees. At present a fee of 9*d.* per folio is paid to the short-hand writer, 6*d.* to the fee fund, and for each copy afterwards 8*d.* to the solicitor or agent; so that if only two copies be required, one for each side, the expense divided between promoters and opponents is

2*s.* 7*d.* per folio, the average number of folios in a day's examination being 300, but frequently much in excess of that number. By the evidence of Mr. Hansard, given before a Committee who reported on the Revision of Standing Orders last Session (and whose Report has been referred by the House to your Committee), 25 copies could be printed early the following morning, at an expense not exceeping 1*s.* 2*d.* per folio, to which must be added the short-hand writer's fee of 9*d.*, and the House fee of 6*d.*, making 2*s.* 5*d.* for 25 copies, as compared with 2*s.* 7*d.* for three copies (including the House copy). Thus the expense of all copies above two will be saved, amounting in some cases to 100*l.* and upwards per day, according to the number required, and a sufficient supply obtained for the use not only of counsel and their clients, but for the Committee, and in a form much more useful for reference than manuscript or lithographed copies. Your Committee, therefore, recommend:—

"3. That a contract or contracts be entered into, previous to the commencement of each Session, for printed (or where the nature of the documents renders it more convenient for lithographed) copies of all such Minutes and documents, 25 in number, to be delivered not later than 9 a.m. on the next week-day following that on which the Evidence has been given; one copy thereof to be for the use of each Member of the Committee on the Bill, one copy for the Committee Clerk, and the remainder to be divided equally between the promoters on the one hand, and the opponents on the other.

"4. The total cost of such copies, and the fees above-mentioned, to be paid, one-half by the promoters, and one-half by the opponents collectively.

"5. A fee of 5*s.* to be charged to each client by the Parliamentary agent for procuring each day's Evidence, with an additional allowance of 2*s.* per copy, served by messenger on counsel or others."—Mr. *Hodgson.*)—Question put, "That those words be there inserted."—The Committee divided:—

Ayes, 3.	Noes, 7.
Mr. Hodgson.	Mr. Adair.
Mr. Liddell.	Mr. Forster.
Mr. Whalley.	Mr. Lowe.
	Mr. Massey.
	Mr. Paull.
	Mr. Puller.
	Lord Stanley.

Amendment proposed, after the word "them," in line 19, to insert the words, "that the existing system of remunerating solicitors by fees on copies of Evidence is indefensible, and ought to be abolished"—(Mr. *Puller*).—Question put, "That those words be there inserted."—The Committee divided:—

Ayes, 7.	Noes, 3.
Mr. Forster.	Mr. Adair.
Mr. Hodgson.	Mr. Massey.
Mr. Liddell.	Mr. Whalley.
Mr. Lowe.	
Mr. Paull.	
Mr. Puller.	
Lord Stanley.	

Further amendments made.—Amendment proposed, after the last amendment to insert the words, "Your Committee are further of opinion that it is expedient that the Minutes of Evidence should be printed."—(Mr. *Puller*).—Question put, "That those words be there added."—The Committee divided:—

Ayes, 8.	Noes, 2.
Mr. Adair.	Mr. Massey.
Mr. Forster.	Mr. Paull.
Mr. Hodgson.	
Mr. Liddell.	
Mr. Lowe.	
Mr. Puller.	
Lord Stanley.	
Mr. Whalley.	

Amendment proposed, to add the following words at the end of the paragraph as amended:—"Your Committee desire to call the attention of the House to the system under which the short-hand reports of Evidence before Committees are taken. Mr. Gurney, who succeeded his father as short-hand writer, it appointed by the Chief Clerk of the House, and is remunerated by a fee of 2*l.* 2*s.* daily for attendance by himself or deputy, and 9*d.* per folio for transcript of the short-hand writer's notes, out of which he pays to his deputy 1*l.* 1*s.* per day, and 2½*d.* per folio for transcript, with 2½*d.* per folio in addition to clerks, leaving 1*l.* 1*s.* per day for each Committee, and 4*d.* per folio of Evidence, &c., as his

his own remuneration, and to meet office expenses. In the case of extra short-hand writers employed beyond his own staff, he pays 1 *l.* 11 *s.* 6 *d.* per day, and 7 *d.* per folio. Your Committee are of opinion that it would be better that the superintendence of this department should be paid by a fixed salary, the staff employed being paid by the House; but as they could only enter into the question so far as it regarded Private Bill Legislation, they confine themselves to this notice of the subject, which, they consider, deserves future consideration"—(Mr. *Hodgson.*)—put, and negatived.—Paragraph, as amended, agreed to.

Paragraph 18.—Amendment proposed, after the words "House of Commons," to insert the words, "Your Committee think this objection well founded; the trouble and expense incurred in Private Bill Legislation is in no respect dependent on the amount of capital sought to be raised; and though the magnitude of works, implied by the amount of capital, may frequently lead to contests, involving much labour and expense, the daily fees on appearance in Committee are the legitimate source from whence the additional cost is defrayed. Your Committee therefore recommend that the differential fee shall be abandoned"—(Mr. *Hodgson*).—Question, "That those words be there inserted," put, and agreed to.—Further amendments made.—Amendment proposed, after the last amendment to insert the words "are of opinion that a communication should take place between the two Houses with reference to this subject"—(Mr. *Massey*).—Question, "That those words be there inserted," put, and agreed to.—Question, "That this paragraph, as amended, stand part of proposed Report,"—put, and agreed to.

Paragraph 19.—Amendments made.—Question, "That this paragraph, as amended, stand part of the proposed Report,"—put, and agreed to.

Paragraph 20.—Question. "That this paragraph stand part of proposed Report," put, and negatived.

Paragraph 21.—By leave withdrawn.

Motion made, and Question, "That the Resolution of the Committee, No. 12 of the 15th June, be now read"—(Mr. *Paull*)—put, and agreed to.—Resolution read as follows: "That it is the opinion of this Committee, That competition is not a valid ground of opposition to new projects."—Motion made, and Question put, "That the said Resolution be rescinded"—(Mr. *Paull*).—The Committee divided:

Ayes, 8.	Noes, 4.
Mr. Adair.	Mr. Hodgson.
Mr. Forster.	Mr. Liddell.
Mr. Massey.	Mr. Lowe.
Colonel Wilson Patten.	Mr. Whalley.
Mr. Paull.	
Mr. Puller.	
Lord Stanley.	
Mr. Walpole.	

Postponed paragraph 7, further considered—Postponed Amendment by leave withdrawn.—Paragraph, as amended, agreed to.

Motion made, and Question, "That Resolution 2[a], of 1st June, be now read"—(Mr. *Whalley*)—put, and agreed to.—Resolution read as follows: "That, considering the large discretion which must necessarily be vested in any tribunal, however constituted, to which may be entrusted the duty of reporting to the House on opposed Private Bills, and the absence of fixed rules for the guidance of such tribunal, it is not expedient that this duty should be performed otherwise than by Committees of the House."—Motion made, and Question put, "That this Resolution be rescinded"—(Mr. *Whalley*).—The Committee divided:

Ayes, 2.	Noes, 7.
Mr. Paull.	Mr. Forster.
Mr. Whalley.	Mr. Hodgson.
	Mr. Liddell.
	Mr. Lowe.
	Colonel Wilson Patten.
	Mr. Puller.
	Lord Stanley.

Amendment proposed, "That the following paragraph be added to the proposed Report:—

"That the Committee beg to direct the attention of the House to the necessity of adopting some definite rule as to whether competition should be recognised as a ground of opposition to new projects.

"The vast expenditure of Railway Companies in Parliamentary litigation, is chiefly owing to their attempt to extend the powers conferred upon them for the construction of railways into a monopoly of the traffic of their districts, although they have been generally unsuccessful, especially as against the interests of large towns as Edinburgh, Manchester, York, Exeter, &c. This policy has, doubtless, prevented the construction of many Railways, as well by obtaining decisions adverse thereto, as by discouraging this most legiti-

mate and useful class of undertaking. Many who might be willing to contribute thereto, being deterred by the enormous cost and risk attending a contest with such powerful opponents.

"One remedy for this would be to adopt and strictly adhere to the rule that competition should not be recognized as a ground of opposition.

"The same end would be attained, and perhaps more effectually, by strenthening the tribunal, that it would, like other courts, adopt rules of procedure and principles of adjudication for itself.

"To restrain existing companies in their illegitimate attempts to extend their powers into monopoly, demands a wider range of information and inquiry than the parties before a Committee are either willing or able to afford, or than a Committee appointed for the temporary occasion can possess or institute.

"Earl Grey has submitted to the Committee a scheme for a Permanent Tribunal; as also, Mr. Rickards; and Mr. May, the experienced Clerk Assistant of the House, is also in favour of relieving the House from the labour of these investigations into the merits of Private Bills.

"The Bill now before the House, brought in by Mr. Whalley, a Member of the Committee, also adopts that principle, and comprises full detaails for the constitution of such a tribunal; but not having been referred to the Committee, they are not prepared to make any Report thereon.

"In consequence of the difficulty experienced by the Committee of Selection in obtaining the services of Members on Committees, the Committee have passed a resolution in favour of reducing the number of Members from five to three.

"The Committee are of opinion that the expediency of delegating to a permanent tribunal other than the Committees of Parliament the duties now discharged by such Committees, together with the very important considerations as to the constitution and functions of such department, is a question which demands early attention; and not being specially included in the terms of the Resolution of the House by which this Committee was appointed, they recommend that it should form the subject of a separate and special investigation"—(Mr. *Whalley*).—Question, "That this paragraph be added to the proposed Report," put, and negatived.

Question, "That this Report be the Report of the Committee to the House," put, and agreed to.

Question, "That the Resolutions, as agreed to by the Committee, be reported to the House," put, and agreed to.

Ordered, To Report, together with the Minutes of Evidence, and Appendix.

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MINUTES OF EVIDENCE.

Jovis, 12° *die Martii*, 1863.

MEMBERS PRESENT.

Mr. Adair.	Mr. Massey.
Mr. E. P. Bouverie.	Colonel Wilson Patten.
Mr. C. Forster.	Mr. Paull.
Mr. Milner Gibson.	Mr. Puller.
Mr. Liddell.	Mr. Whailey.
Mr. Lowe.	

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

James Booth, Esq., called in; and Examined.

J. Booth, Esq.

12 March 1863.

1. *Chairman.*] YOU are now Secretary to the Board of Trade?—I am one of the Joint Secretaries.

2. You were formerly Counsel to the Speaker?—I held the office of Counsel to the Speaker from 1839 until the end of 1850. I had for two years previously prepared Breviates of the Private Bills for the use of the House by the appointment of the Speaker.

3. During the time that you were Counsel to the Speaker you had considerable opportunities of attending to the private legislation of the House?—I had some opportunity. I took a great interest in improving the private legislation, and I had some share in suggesting some improvements which took place during the time I was connected with the House.

4. What improvements were those?—They were of this kind: there was the improvement of the constitution of the Select Committee upon a Bill. Another was the withdrawing from the consideration of Select Committees the proof of compliance with the Standing Orders, and committing it to officers of the House. A third great improvement was in the frame of the Private Bills.

5. Do you mean by improving the frame of the Private Bills an adoption of the system of Consolidated Acts; Acts containing clauses suitable to clauses of Private Bills?—That was the last stage in that improvement. If the Committee will allow me, I will state the history of it. When I came to the House the Private Bills were in a very rude state indeed; they were of enormous size and great verbosity, and there was no principle of order in the arrangement of the clauses; it was hardly possible to understand or to find out what was contained in a Bill; it was, in fact, the difficulty which the House felt in knowing what it was doing in passing one of these Bills that led to my appointment. I was instructed to prepare what was called a Breviate of each Private Bill, which was to point out the scheme and object of the Bill, and also to call attention to any departure from the general law which was attempted in any of those Bills. In addition to my duty of preparing Breviates, in my leisure time I endeavoured to improve the frame of the Bills. The first thing that I did was to analyse

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12 March 1863.

the different classes of Bills, and frame a system by which the clauses in the several classes of Bills might be arranged. I will take, as an instance, the case of a Railway Bill. On examination, it appeared that there was one very large group of clauses, or, rather, clauses which ought to have been put into a group, relating to the conditions upon which lands were allowed to be taken for constructing the railway. Another great group of clauses was that for regulating the proceedings of the joint stock company, by which the railway was to be constructed and worked. Another great group was for the regulation of the conditions upon which the railway was to be allowed to be constructed, how roads were to be crossed, what gradients were to be used, and the like. Those three great groups of clauses admitted also of subdivisions of the various matters of which they consisted. Having framed a system for the arrangement of the clauses, I obtained the consent of the Speaker to have these printed and circulated among the Parliamentary agents, with a desire that in printing their Bills they would adopt this arrangement of clauses. That was the first thing which was done. The next thing was to improve the phraseology of the Bills, and in that I had the zealous co-operation of Mr. Palk, who held the office of counsel to the then Chairman of Committees in the House of Peers, Lord Shaftesbury, and between us we framed what were known about the House as model Bills. These Bills were printed with the sanction of the Speaker, so that the agents might use them; they were not adopted by Standing Orders or in any way formally recognized, but the Committees were in the habit of asking parties promoting Bills before them whether such and such a Bill, or whether such and such clauses, were in conformity with the model Bills, and the model Bills had a very considerable effect in that way in improving Bills. Then when the Bills had been got into something like a tolerable shape, it appeared that between Bills of the same class there was a very considerable resemblance—that one Railway Bill resembled another; that whether it were to make a railway from Manchester to Liverpool, or from London to Birmingham, at least nine-tenths of the substance was the same, or ought to be the same, in both Bills, and it then seemed obvious that we might throw into the shape of General Acts the several clauses which were common to all Railway Bills, and with that view I framed what were known as the Clauses Consolidation Bills, which afterwards passed into Acts. With regard to the group of clauses for the regulation of a joint stock company, it appeared that those were wanted as much for various other objects as for the construction of railways, namely, gas companies, water companies, and various other companies. Therefore we put into a separate Act the clauses relating to the constitution and management of a company. So with regard to lands, whether the lands were wanted for a railway, or for a canal, or for various other public objects, the terms upon which the promoters of the undertaking were to be allowed to possess themselves of those lands were much the same in all cases. Therefore, we threw into a separate Act the clauses relating to the taking of lands. Then there remained those clauses which related to the construction and management of railways, and those were thrown into a separate Bill. The effect of all this was, that the bulk of a Railway Bill, which before that time was something like 100 folio pages, was reduced to somewhere about ten pages, with the great advantage that what was in the Bill was matter special to the undertaking under consideration, and required the special consideration of the Committee, and that all which was of a general character, such as the terms upon which lands were to be taken and the like, was contained in the Public Acts. The benefit of that was, that these Public Acts were framed with a great deal of consideration, and with a view to the interest of the public, which a Private Bill is not, for, of course, the object of the promoters who frame the Bill is to take as large powers as they can; and if it were not that Lord Shaftesbury at that time looked to some extent sharply after the interests of the public, and especially the landowners, no doubt endless abuses would have been introduced. I may mention as an instance of this sort of legislation, the Bill which is now before the House for the regulation of Telegraph Companies—a Bill which is intended to contain the various conditions and restrictions upon which Telegraph Companies are hereafter (and in some respect it has a past view) to be allowed to work telegraphs.

6. In that way there is a greater security that the public interests will be attended

attended to, because particular clauses for that purpose might escape the vigilance of the Committees, and the promoters of any scheme would not have an interest in looking after them?—That has been undoubtedly the case, and that is illustrated by what has taken place in the various Acts which have been passed for the incorporation of telegraph companies. It is complained that a great number of clauses have been introduced into those Acts which ought never to have been introduced; powers have been given to the company which are very much complained of. It is the object of the Bill now before the House in future so to regulate those powers as to prevent abuse, if possible.

7. But in that point of view it would require the experience of a certain number of special Acts, in order to have the means of framing this General Act, would it not?—Undoubtedly; it would be very difficult to begin with a General Act. In 1844, when I framed the first of the Clauses Consolidation Bills, we had an experience of something like 20 years of Railway Bills.

8. The Consolidation Acts were passed in 1844, or 1845, were they not?—They were passed in 1845; they were framed upon the experience down to 1844.

9. Do you think that the experience since that time in our Private Bill legislation makes it necessary to carry that principle further, and to have an addition to the Consolidation Acts?—I think so. A number of new questions since that time have arisen, which it is the practice to regulate by clauses in each Railway Bill which now comes before the House, and I think that, following the precedent of the Clauses Consolidation Acts, you might now usefully throw those clauses into a General Act, which, or the clauses suitable to the case in hand, might be incorporated as heretofore the present Clauses Consolidation Acts have been incorporated.

10. Can you tell us some of the provisions which you think might be consolidated in a General Act?—Clauses for the regulation of junctions of new with existing lines. The conditions to be imposed where level crossings are allowed; clauses for regulating the construction of works affecting tidal waters; clauses giving power to deviate from the line of viaducts, &c., and with the approval of the Board of Trade to substitute other works; clauses for regulating the power of entering into working and traffic arrangements; clauses regulating the conditions on which the creation of preferential capital is allowed; clauses regulating the creation of debenture stock; clauses for the protection of shareholders and the public, when transfers or amalgamations of railway undertakings are allowed; conditions on which extension of time for the exercise of compulsory powers, or the abandonment of the construction of railways is sanctioned; clauses regulating the acquisition or exercise of steam-boat powers, and, I dare say, several others which would appear upon a careful examination of the Bills which have been passed in the last 20 years.

11. Colonel *Wilson Patten.*] All those clauses apply to railways?—Yes; there are also other Bills in which the same improvement might be made; for instance, there is a set of clauses now commonly introduced in Waterworks Bills, providing for the case of the bursting of a reservoir (there are something like 10 clauses), and some others. with which I am not so familiar as I am with railway matters.

12. *Chairman.*] The effect of this addition to the present Clauses Consolidation Acts, would be still further to lessen the bulk of Private Bills, and to some extent, I suppose, though not to a very material extent, the expense to which the promoters are put?—It would simplify the form of Bills, and to some extent diminish the expense.

13. And it would increase the security to the public?—There would not be the same opportunity of varying, or attempting to vary, the provisions by which these different things are supposed to be sanctioned.

14. Mr. *Massey.*] Withdrawing those common form clauses from Bills, and embodying them in a consolidation, that would not have the effect of shortening the proceedings before the Committees of the House in any way?—No; it would merely enable the Committee rather more readily to understand the Bill; to give their attention to what was special in each particular Bill; it would not much shorten the proceedings before the Committee.

15. Mr. *Adair.*] It would diminish the expense of printing the Bill?—To some extent it would do that.

16. Mr. *E. P. Bouverie.*] These are common form clauses, generally intro-

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12 March 1863.

duced by the Parliamentary draftsmen; they are not special?—They ought to be introduced as common form clauses; they are not so. We are constantly, in the report which we make upon Railway Bills, suggesting that such clauses are not contained in the Bill, or that the approved form has been departed from.

17. Mr. *Massey*.] Would you make it imperative upon Committees to require Bills to be framed in conformity with that arrangement; you are probably aware that it is the practice of draftsmen to evade these Consolidation Acts as much as possible, and to embody the clauses contained in those Consolidation Acts in the special Acts. Would you think it desirable to prohibit that peremptorily, and to provide that wherever those common form clauses were available, they should not be included in the special Act?—I think that that would be desirable as a general rule; but it may happen that general clauses of this kind may have been improvidently framed, and under some circumstances it may be desirable that they should be varied with reference to the special case. But it ought, I think, to be the duty of every Committee, when they allow a departure from the General Act, to inquire specially into the reasons for that departure.

18. *Chairman*.] You remember the year 1846?—Yes; that was the year after the Consolidation Acts passed; that was the great year of Railway Bills.

19. Do you think that the consolidation which had just previously taken place was very instrumental in enabling the House to get through that mass of business?—I think so; I think that without the Consolidation Acts the private legislation would have come to a dead lock; I do not believe that it would have been possible to print the Bills. Speaking from memory, there were between 600 and 700 Railway Bills, and where the type would have been obtained for all those Bills with the amendments which were required to be printed, and the Bills re-printed as they came out of Committee, I do not know; I believe that it would have been impossible without those Consolidation Acts to have got on with the legislation of that year; no doubt there was an enormous saving of expense resulting from those Consolidation Acts, when it reduced the bulk of a Bill from 100 folio pages to 10, to say nothing of the fee upon drawing the Bill, which is generally measured in some degree by its length.

20. Colonel *Wilson Patten*.] But you say that you do not think that much time is saved?—Supposing that the Committee had taken the pains to understand the whole of what was contained in one of those Bills before the passing of the Consolidation Acts, no doubt a great deal of time would have been consumed; that is saved, and the attention of the Committee is withdrawn from all those general matters, and it is concentrated upon what is special to the undertaking in hand. If they had done what was supposed to be their duty, but which it was quite impossible for them to do, they would have spent a great deal more time than they need now spend upon the Bills.

21. Am I to understand you that these new suggestions which you now make are only to effect a saving of expense, and not of time?—They will save time in the same way, though not to the same extent, as I have suggested that time has been saved by former Consolidation Acts; that is to say, that all questions about putting these clauses into the Bills will be saved. A level crossing will be allowed if the Committee think fit to allow it, and there will be no consideration of the terms upon which it shall be allowed, because those will have been regulated in the Public Act.

22. You do not speak to the practice before Committees of your own knowledge?—No, I have not myself practised before Committees.

23. Could you give the Committee any opinion as to the time which was spent previously to the passing of these Consolidation Acts, in inquiring into those particular cases. For instance, take the powers contained in the Lands Clauses Consolidation Act, do you not think that there was less time spent in inquiring into those cases after that Act was introduced than before?—Very much less time, because it was common for landowners and others to come with clauses for their protection. The promoters of the Bill had not been anxious to protect the interests of the landowners, and it was necessary for a landowner to look pretty sharply after the Bill, and to come with clauses. In those Consolidation Acts we put in all the clauses which would generally be considered proper for the protection of the landowners. The necessity of looking into the matter, and of getting those clauses introduced before the Committee, was withdrawn

drawn from the consideration of the Committee, and a great deal of time was saved in that way.

24. Is it not reasonable to suppose that the same saving of time would be effected by this new suggestion of yours?—To a certain extent it would be so.

25. Mr. *Adair.*] The time saved by your proposition will be very little, though it will lessen the labour of the chairman. A chairman who thoroughly does his duty, sees in a moment whether these clauses are in the Bill, or whether they are absent; if they are not in the Bill, he says, why are they not?—Exactly so.

26. Mr. *Paull.*] Do not your suggestions relate to the final embodiment in a Bill of the powers which are sought for, and not to an inquiry into the merits of the case, and the policy of granting the powers?—The object is rather to ensure that if certain powers are granted to a company, the exercise of those powers shall be guarded by all proper restrictions; that is the great object of having these clauses consolidated in an improved form.

27. Would the passing of such Acts, and of course the power of embodying them in a Bill, diminish the labour of a Committee in inquiring into the merits of the scheme, and the policy of granting the powers?—Not perhaps as to the policy of granting the powers; but assuming that they were satisfied that the powers ought to be granted, it would diminish their labour of considering with what restrictions the exercise of those powers should be guarded.

28. Mr. *Puller.*] Would not the saving, whatever it might be, be confined to the discussion which takes place upon the clauses, and not upon the preamble of the Bill?—That would be so; it would not affect the preamble at all.

29. Mr. *Liddell.*] The object is to diminish the cost as much as possible, and a saving of time naturally involves a saving of cost, but I do not see how the introduction of these clauses would preclude opposing counsel from opening out a host of objections to any one of the powers sought to be obtained by the parties promoting the Bill?—No doubt. To take the instance of sanctioning a level crossing, which may be opposed, the providing in a General Act by what conditions it ought to be restricted or accompanied if the power is granted, would not prevent the question, whether the power ought to be granted at all or not. We cannot guard against that, unless you choose to make it a general law that in defined cases certain things shall be allowed to be done, and then you do not want a Private Bill to give power to do them.

30. Would not that be too large a power to grant; would it not be necessary to consider each Bill upon its own merits?—That would depend upon the particular circumstances. The Legislature might, if they thought fit, provide that level crossings might be sanctioned by a department; they may make that general law if they think fit, and it would not be much at variance with the present practice.

31. Mr. *Whalley.*] I understand you to say that the present Consolidation Acts prepared by you were the result of the experience which had transpired previously in applying for particular Bills?—Yes.

32. And I understand that the further Consolidation Acts which you now propose are the result of the experience which has been acquired since?—Exactly so.

33. It is, in fact, merely carrying out the same principle by which you were guided in your former labours?—Just so.

34. You have enumerated several cases in which you think that Consolidation Acts may be framed, or the present ones extended with a view to assist the Committees upon the classes; can you give some illustration upon all these heads; you have mentioned junctions, level crossings, power to deal with deviations, working and traffic arrangements, preferential capital, debenture stock, and protection to the public in cases of amalgamation. Can you give some illustration of what you would now reduce into a general clause binding all projects, subject, of course, to special legislation?—I do not propose anything new; I merely propose to put into a general form what has been habitually put into Bills for the last 20 years. Let me take the instance of level crossings. A level crossing of a turnpike road is sanctioned; then it is the practice to require that there shall be a lodge at the level crossing, and it is the practice to provide that if hereafter it appear to the Board of Trade, upon the representation of the local parties, that there is danger in the continuance of

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the level crossing, the Board of Trade may call upon the Company to construct a bridge. I am not proposing anything new; I am merely proposing to put into a general form that which has been in practice sanctioned of late years.

35. I think that this subject was mentioned in the former evidence; I think you yourself stated in 1858 that some improvement might be made with regard to the Consolidation Acts?—I did suggest that in 1858.

36. And I think you then stated that it would not materially diminish the expenses of applying for Private Bills?—My examination was very limited upon that question, if I remember rightly.

37. With respect to the questions of which you do take cognizance at the present time, level crossings, for instance, and upon which you report to the Committee on the Bill, do you not think that it would be more satisfactory to the Board of Trade itself, and to the parties, if you had an opportunity of hearing both sides of these questions. I think that at the present time you only take cognizance of the plans which are deposited; would it not be convenient that you should be constituted, in some sense, as a tribunal to take cognizance of those questions, both parties being heard?—In the cases to which I refer, the Board of Trade is constituted a tribunal by the Private Act, and it is empowered, if upon inquiry it is satisfied that there is danger attending the continuance of a level crossing, to call upon the Company within a given time to construct a bridge; it does inquire, and it does hear all parties.

38. Are you prepared to state whether that power so entrusted to you gives general satisfaction to the parties?—I have never heard that it did not; I have never heard any complaint.

39. *Chairman.*] Do you think it possible, by a General Act, to provide that certain unopposed schemes now requiring the sanction of a Private Act, might be allowed after compliance with certain conditions prescribed in a General Act?—I think so. I think that you might withdraw from the consideration of Committees of the House a considerable amount, particularly of unopposed business. I think that you might enable a department (suppose the Board of Trade) to sanction the construction of certain branch and extension railways, and other short lines, upon being satisfied that the conditions to be imposed for the purpose in a General Act had been complied with. Where, for instance, the shareholders were desirous of constructing a small branch line where all the landowners were consenting, and where no road authorities or others were opposing, I think you might allow the Board of Trade to issue their certificate, certifying that the conditions of the Act, with reference to this proposed line, had been complied with, and therefore sanctioning the construction of that line upon the same terms as those upon which lines are now allowed to be constructed, namely, compliance with the conditions of the Clauses Consolidation Acts as proposed to be amended.

40. Parliament, in fact, would previously prescribe the conditions in a General Act?—Exactly so.

41. And the department would have to ascertain that the conditions had been complied with, just as the Examiners upon Standing Orders now ascertain that the Standing Orders have been complied with, and report upon that fact?—That is what I propose.

42. It is a similar principle?—A similar principle; these conditions would probably be very much what the present Standing Orders are, requiring notices to be given to landowners, and requiring the assent of the shareholders of the company, and things of that kind, which are now provided for by Standing Orders.

43. Do you think that our experience is sufficient, and that Parliament might safely now lay down general regulations under which these small branch lines might be made without coming to Parliament in each particular case for a special Act?—I think so; and it would be a great boon to railway companies. The Committee will be surprised, I dare say, to hear of the number of small branch lines, and extensions, and little deviations which are passed. In the present year there are more than 300 lines, which are less than three miles long, asking for the sanction of Parliament.

44. Mr. *E. P. Bouverie.*] Each requiring an Act of Parliament?—Several are comprised in one Act, but still they are apart one from another; they are little separate railways.

45. Mr. *Puller.*] Are they lines which require an Act of Parliament?—Yes.

46. Why

46. Why do they require an Act of Parliament?—Because it would be necessary to cross public roads; and it would be necessary, if it is an existing company, to have the sanction of Parliament to do that which was not contemplated by their original Act.

47. Cannot they cross a road with the consent of the trustees?—I am not aware of any power which they have to sanction a level crossing. I should be disposed to go the length of sanctioning the making of certain small branch lines, without even the sanction of a department, in cases where all parties were consenting; I would give the company the power to make them with the assent of certain proportions of the shareholders. It would of course be necessary to lay down the terms upon which those small branch lines, all parties consenting, were to be constructed. I see no reason why that should not be done; and seeing what a number of small branch lines are constantly requiring to be sanctioned, I think that probably it would be a great boon to the railway companies.

48. *Chairman.*] Do you think that a scheme of this sort, made in compliance with the provisions of an Act of Parliament, and sanctioned by a department, would afford as great a security as the present committee does in an unopposed Bill, that the public interests would be guarded?—I think so; I think that in all probability the schemes would be quite as carefully considered, as they are considered, or perhaps can be considered, by the Chairman of Ways and Means, assisted by two local Members. There are precedents for allowing a department definitely to sanction what was formerly required to be sanctioned by Act of Parliament. Take the case, for instance, of joint stock companies; ten years ago a very common class of Private Bills was for sanctioning the incorporation of joint stock companies, or to authorize them to sue and be sued. At present that incorporation, and that power of suing and being sued, are granted by a Public Act, merely upon the certificate of the registrar of joint stock companies.

49. They are granted, upon the certificate of a department that the requisitions of the Companies Act have been complied with?—Yes.

50. There is sometimes a little misapprehension with reference to this question. It is not that the department sanctions any principle, but all that the department does is what the examiner of Standing Orders does?—It is very similar.

51. It is not the examiner who makes the Standing Orders, he merely sees that certain things which Parliament has said shall be complied with have been complied with?—Yes.

52. So the department would merely have to certify that the provisions which Parliament had laid down had been complied with; therefore it would be Parliament who in fact would give security to the public, and not the department?—That is so. In cases where parties were not all consenting, but where a given proportion only were assenting, in my scheme I should propose that instead of the sanction of the department being given definitively and absolutely, it should be given provisionally, and subject to confirmation by Parliament, the scheme being scheduled in a General Bill for the purpose.

53. The two classes of cases for which you would provide in this way are, first, those which are entirely unopposed, and, secondly, those which are only partially opposed by a certain portion of the landowners?—By a certain portion of the landowners, or the persons having the control of certain works which would be interfered with; roads or things of that kind. In that case I should provide that these persons having signified their dissent from the scheme, the scheme should not be sanctioned unless Parliament should confirm the Provisional Order; I should give a limited time after the meeting of Parliament within which they were to petition to oppose the scheme, and if they did not so petition, then the scheme would go forward, being sanctioned. If they did oppose the scheme, then I should propose that it should be provided by the Standing Orders that the Public Bill should be referred to a Select Committee, and that each scheme should be dealt with as being a Private Bill; I should propose in the Public Act to empower the Board of Trade to allow a variation of the line of railway originally laid down, so as to meet the objection of landowners after giving due notices; I think that in that way objections would be very often conciliated, and that the opposition which had been felt to the scheme would be withdrawn; I should also propose, when the matter came

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before Parliament, to limit the objections which the landowners opposing the Bill, or the Road Trustees were to be allowed to make, to pointing out their own special grievance.

54. Mr. *E. P. Bouverie.*] What did you mean by "an unopposed Bill"?—If I used the expression, I must have meant a scheme that would be unopposed if the Bill were before Parliament; I think I said that as much care would be taken in inquiring into an unopposed case as could be taken by the Chairman of Ways and Means, assisted by two local Members upon the Bill, but I would have no Bill in that case.

55. Would you have notices issued, so as to allow parties to come in and oppose, as in the case of a Bill?—I would allow them to come in to the Board of Trade and oppose; if they came in, and if their opposition were not withdrawn, then the scheme would only be provisionally sanctioned, and then there would be a General Bill.

56. As regards persons having a limited interest in land, would you allow tenants for life or leaseholders to give an assent to the taking of the land irrespectively of the remainder-man?—I would propose that the Lands Clauses Act should be incorporated; that empowers persons having limited interests to convey; if the guardians, supposing they were infants, thought fit to oppose, then it would be an opposed scheme.

57. The moment there was a notice of opposition of any kind, the independent action of the Board of Trade would cease?—It would cease to that extent; we might still sanction provisionally a scheme.

58. Mr. *Paull.*] Have you assisted in working the Piers and Harbours Act of 1861?—Yes.

59. Is not your suggestion an extension of the provisional order system, which was sanctioned in that Act?—Exactly so; it would be analogous.

60. It would carry out what has already been sanctioned in more than one Act?—Yes; I may mention the Local Improvement Act, the Inclosure Act, and the Turnpike Trusts Relief Act. In the case of the Joint Stock Companies Act, the order is absolute.

61. Mr. *E. P. Bouverie.*] But the Joint Stock Companies Act gives no power to affect other people's rights or property, does it; it merely affects the management of the company?—I merely cited it as an instance of something being done with the sanction of a department, which, ten years ago, required the sanction of a Private Bill.

62. But that analogy is not quite accurate between the powers given by the Joint Stock Companies Act, and the power which you would give to a railway company to take a person's property?—By consent.

63. Do you think that it is exactly the same thing?—No, not exactly the same thing; I merely wish that the Committee should not form the notion that I am proposing something quite novel when I suggest that a department shall sanction that for which a Private Act is now required. Ten years ago, the incorporation of a joint stock company required either a Private Act, or a Charter; but now it is done upon the certificate of a department, certifying that certain things required by a Public Act have been complied with.

64. As regards Railway Bills, to which there is no notice of opposition after you have given notice of the proposed measure, you suggest that the Board of Trade should have power to sanction such a proposition as that, without its going to Parliament?—I have here an outline of what I should propose, which, with the permission of the Committee, I propose to hand in. The proposed Act would provide that any new company, or any existing company, upon compliance, to the satisfaction of the Board of Trade (or some other department), with certain preliminary conditions to be prescribed in the Act, may, where not less than three-fourths of the landowners are assenting, apply to the Board of Trade.

65. Mr. *Puller.*] When you say three-fourths assenting, do you mean giving a positive assent, and not merely a negative assent?—I should propose to follow the example of the Standing Orders as to assents. The proposed Act would provide that the company, upon the conditions which I have stated, may apply to the Board of Trade to be allowed to make any new line of railway, or railway works, and to take the necessary lands for the purpose; the sanction of the Board of Trade to be signified by publication of their certificate in the Gazette, but such certificate not to be issued if the work be objected to by any landowners having lands, or by any municipal authorities, or other persons having the control of any public

public works proposed to be interfered with. The preliminary conditions would be very similar to the requirements of the Standing Orders in the case of a Railway Bill, viz., assent of shareholders, if promoted by an existing company (the Wharncliffe Order); plans to be deposited, and notices given, and security to be taken for completion of the line, as provided by the present Standing Orders, the times for these purposes being varied. Power to the Board of Trade to sanction alteration of line as originally proposed, so as to meet objections of landowners, &c., fresh notices, &c., being given of the deviated line. Upon publication in the Gazette of a certificate by the Board of Trade, that the preliminary conditions have been complied with to their satisfaction, and that no landowners or persons having control of public works have lodged any objection; the company to be deemed to be incorporated (if not already incorporated), and to be allowed to construct the line according to a scheme to be set forth in the certificate, subject to the provisions of the Companies Clauses, Lands Clauses, and Railways Clauses Acts, as now proposed to be amended. The scheme would set out the line by reference to the deposited plans and sections, as is now the practice in Railway Bills; the tolls to be taken, not exceeding those limited in the proposed Act; the level crossings to be allowed, and departures from prescribed ascents of roads, height and width of bridges, &c. Before issuing their certificate the Board of Trade to cause public notice to be given by the parties, in a manner to be approved of by the Board, in the local papers, fixing a day on or before which objections are to be made by landowners, &c., accompanied by a declaration that they intend to oppose the making of such line in Parliament, the Board having a discretion to enlarge the time for lodging objections if it see fit. Where any such objections are lodged, the Board of Trade to be empowered to issue a provisional certificate that the preliminaries have been complied with, and containing the scheme proposed to be submitted to Parliament; but the Company to have no power to make the line unless either the objections be withdrawn, or an Act be passed sanctioning the scheme set forth in the certificate. A Public Bill or Bills to be brought in to confirm the several opposed schemes approved of by the department, unless withdrawn by the promoters. Petitions of opposing parties to be presented within a limited time, suppose 14 days after the first reading of the Bill, or the opposition to be deemed to be withdrawn. On second reading, the Bill to be referred to a Select Committee, as Private Railway Bills are referred. When so before the Committee, each scheme to be dealt with as a distinct Private Bill, but to be exempt from the ordinary Standing Orders, the Committee being empowered to strike a scheme out of the schedule, or to modify it, in any case in which the opposing petitioners show sufficient cause for so doing. The opposing petitioners to be confined to showing that the special injury which would be sustained by them in consequence of the proposed interference with their lands or the public works under their charge would be such that the scheme ought not to be sanctioned by Parliament. The Committee to have power in any case to divide the Bill into two or more Bills.

66. Mr. *Adair.*] Is it your view, that in the case of an unopposed line, where the previous existing machinery had been applied to the scheme, it would exempt the scheme from any application to Parliament?—Entirely so.

67. Would you at the end of the session propose to notify to Parliament, as is, in fact, done now in the schedule of Inclosure Bills, what schemes had been sanctioned under that system?—I think that it would be very convenient that a report to that effect should be laid before Parliament. I propose that the scheme should be set out in the certificate, and published in the Gazette, so that there would be a public record, and provision might be made, if it were thought fit, to place a certain number of copies of these documents in the office for the sale of Parliamentary papers, so that anybody might procure a copy.

68. Would you propose to give to parties who approach of the scheme the power of lodging a petition in favour of the scheme with the Board of Trade?—I should not object to it.

69. Mr. *Whalley.*] Is it within your experience that a Bill may be wholly unopposed as not affecting any private interest, and yet may be most seriously detrimental to the interests of the public?—I do not remember any instance of that kind.

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70. For instance, in a mineral district persons interested in certain mines might project a railway in a certain direction between two towns, for the purpose of promoting their private mineral interests, and that railway being so constructed would, of course, so far prevent a better line thereafter being constructed, and might therefore be seriously detrimental to the general interests of that district, as well as to the private interests of other mineral owners; how would you protect the public against such a contingency, assuming that such was possible?—I do not know that I quite understand the proposition.

71. We will suppose that there is a town A. and another town B., say ten miles off, and that some persons interested in minerals lying at a certain part, say, "We will project a railway round by this place to here instead of its going to there;" it might very possibly happen that both these towns would be very earnest for any railway, and they might not care for two or three miles' deviation, but in the meantime the intercourse between those two towns would be very greatly inconvenienced by those additional two or three miles, and great interests might be prejudiced or a bad line with bad gradients, and all manner of things might be proposed, but no persons would feel sufficiently interested to make any opposition. They would say, "It is better to have a bad line than no line at all." How would you propose to protect the public in that case?—As I understand the supposed case there would be no line if the proposed line were not made, and I should be inclined to agree with those who said that it would be better to have a round-about line than no line at all, and therefore I should be disposed to place no obstacle in the way.

72. You have not taken into your view any investigation on the part of the public as to whether the line so proposed could be improved, or whether it is a good line or a bad line?—I understand the assumption to be that certain parties propose to make a line in a certain direction; it seems to me immaterial whether there can be a better line or not, if they are not disposed to make it.

73. Would it not be an improvement upon your suggestion that there should be some investigation upon the spot on the part of your Board, or of some other tribunal affording persons generally an opportunity of pointing out a better line?—I think not, unless they are prepared to make the better line; if other parties are desirous of making a better line, I should be disposed to give them every facility for making it.

74. No other parties are desirous of doing it, because these persons have an interest in going through that particular property, or, at all events, they may have made a mistake. Would it not be desirable to afford an opportunity of investigation to persons who have not sufficient interests in these projects to raise an opposition in Parliament, especially where it would be attended with such a serious consequence as you propose, namely, the requiring a Public Bill, whereas, by not opposing the scheme it passes *sub silentio*. Where is the public interest to be represented; how are you to know before the certificate has passed that the proposed line is not really a most injurious line, in a thousand particulars which I cannot contemplate, to the public interests. Is not something more necessary, namely, some investigation on the part of the public before such a line is passed; and in the case even of small extensions, such as you have mentioned before, is it not necessary that before a line of railway is authorized to be made, even with consent, there should be some investigation on the part of the public, or some opportunity to the general public of appearing, that is to say, those of the public who are not sufficiently interested to raise an opposition, and to refer the matter to an inquiry before Committees. Would not that be an improvement upon your suggestion?—I think not. I see no advantage at all in such a course. I think that it would be an advantage to the public *pro tanto* to have even the round-about line.

75. You say that you do not think it is necessary that any inquiry should take place?—I think not.

76. Do you think that any inconvenience would result from it, or any serious expense, more than sufficient to counterbalance any possible advantage of sending a commissioner down to the town, in order to hear what anybody had to say with regard to the projected line?—I see inconvenience and expense. I think that it would be an idle inquiry whether a better time could be chosen if nobody is prepared to make it.

77. You are aware of the proceedings under the Inclosure Commissioners; you

you are aware that that is a department of public business which formerly required the sanction of Parliament?—Exactly so.

78. And that that business has been remitted to three gentlemen, who superintend the inclosures, and bring in their Bills at the end of the Session, in the same way as I understand you propose, by a schedule?—Yes.

79. You are aware that in that case a commissioner is sent down to inquire into the expediency, on public grounds especially, of any proposed inclosure?—I am aware that it is customary to send down a commissioner to inquire. I am not practically acquainted with the course of proceedings.

80. Are you aware that any harassment to individuals, or any inconvenience whatever, has ever resulted from that practice of sending persons down to inquire upon the spot into the public feeling as regards a measure of that kind?—No, I am not aware of it.

81. You have stated that such a proceeding would be attended with expense; are you aware what the average expense, as returned to Parliament, of Inclosure Acts, passed by schedule in a Public Bill, has been since that system was established in 1848?—I am not aware.

82. I may inform you that it is 15 *l.* 4 *s.* 9 *d.*?—Still, I think that to spend fruitlessly 15 *l.* 4 *s.* 9 *d.* is not a thing to be encouraged.

83. Colonel *Wilson Patten.*] You say that, as far as you have gone, your recommendations apply only to unopposed schemes; at what particular stage is it that you contemplate an unopposed scheme being turned into an opposed scheme?—When the advertisements have been put in, which I have already referred to; and when, in answer to those advertisements, objections are made, then it becomes an opposed scheme.

84. What is the limit of time within which you would allow those objection to be entertained?—I should propose a convenient time.

85. Could you suggest any time?—That would be a matter to be settled by Parliament in passing the General Act.

86. Have you turned your attention to that particular point?—I have not considered whether six weeks or 12 weeks would be a convenient time.

87. Twelve weeks from the period of giving the notice?—From the period of the Board of Trade being in a position to approve of the scheme.

88. You will recollect that, according to the present rules of Parliament, there must be notice of every railway scheme; for instance, in the months of October and November?—Yes.

89. When is it after the last day of November that you would propose that an opposition should be capable of being offered to the scheme?—Supposing that no alteration were made in the Standing Orders with reference to schemes of this sort, and that the Confirming Bill is to be governed by the Standing Orders, of course we must accommodate it to the Standing Orders.

90. According to the Standing Orders, an opposition may be offered on any day within eight days after the second reading of a Bill?—That of course would be regulated by the Act which I propose to pass.

91. What limit would you propose within which the parties should be allowed to offer their opposition; I understand you to say that when that opposition was offered it would then be necessary to proceed by Bill?—A Bill to which the general Standing Orders are not to be applicable.

92. At what period do you contemplate an unopposed scheme being changed into a Bill before Parliament?—Upon its being clear that there is opposition. We should generally know whether there was opposition in the course of considering the scheme; but I have assumed that there is no opposition, and that therefore the question arises whether the Board of Trade shall sanction this scheme, and issue its certificate in the Gazette; I propose that before it does so, it shall cause the scheme to be amply advertised, and that then, if there be no objection, the certificate shall issue; but if there be objection, then there shall be a provisional order.

93. That, for the purposes of the protection of different interests, must be subject to certain limits with regard to time, and the parties who oppose are supposed to oppose in protection of some interest or other. I do not quite see in your plan within what limits those parties are to offer their opposition, so that they may be able to come before Parliament on a Bill?—The parties interested in promoting the scheme who would come to the Board of Trade would come voluntarily. Bills would go on as before if parties did not choose to

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come. The opposing parties, the landowners, and the authorities whose works were liable to be interfered with, would have notice, and if they intended to oppose, we should probably hear of it in the course of considering the scheme; but that might not happen, and therefore we should not allow it to be sanctioned without the precaution of having the thing well advertised, and if that advertisement brought forward any opposition, we should not sanction the scheme except as a provisional scheme.

94. You think that there is sufficient time between the last day of November and the meeting of Parliament, which is usually in the first week of February, for all the necessary arrangements of a Bill before Parliament, in case opposition should be offered?—The Bill in question would be brought in by the department as a Public Bill; the promoters would not have to bring in a Bill; it might be opposed by landowners, or by the authorities of public works, and we should know whether it was opposed by them or not.

95. Mr. *Paull.*] Would you not define the limits of time within which an application for a certificate might be made?—At present I am not aware that it would be necessary to define those limits in unopposed cases. The promoters of the undertaking, who were desirous of making an application to the Board of Trade, would have taken the pains to ascertain for themselves whether the thing was likely to be opposed or not. If it were not an opposed scheme, one of the advantages of allowing it to be sanctioned definitely by a department is this, that it would not be necessary to confine the various proceedings within a limited time, so as to accommodate them to the orders of the House.

96. Supposing it to be open to the promoters to apply for a certificate at any period of the year, you would adopt a certain period, during which they must deposit plans and notices of their schemes, to inform the public of what they were going to do?—Yes.

97. On receiving their application you would, I suppose, provide them with papers containing a series of questions relating to the scheme?—I am not prepared to say what would be the detailed method of proceeding by the Board of Trade; probably it might be something of that kind.

98. At all events you would oblige them to give full publicity to their proposed scheme?—Undoubtedly.

99. You would call upon them to give you (without going into the details of the way of obtaining it) full information respecting the scheme and the course which they had taken to ascertain the assent or the dissent of the community which would be affected?—Clearly; and that, as I propose, should be framed by analogy to the Standing Orders of the House.

100. So that by that process the public and private individuals would have ample opportunity of knowing what was going on, and of entering their protest, and having their protest considered, and an opportunity given of opposing before the Board of Trade, or agreeing?—Exactly so; they would have as ample notice as they have now under the Standing Orders, and perhaps greater.

101. In fact the Board of Trade would take care to obtain full information, or such information as to assure them that the scheme was unopposed?—Exactly so; the Board of Trade would in fact perform the combined functions of the Examiners of Petitions and of the Committee upon an unopposed Bill.

102. I gather your scheme to be, that upon ascertaining that it is an unopposed undertaking you would grant a certificate or a provisional order (they are synonymous terms for the purpose), withdrawing it entirely from Parliament?—If unopposed I should withdraw it entirely from Parliament.

103. Do you think that that is a better plan, even in an unopposed case, than for the department which had dealt with the matter to introduce a Public Bill into Parliament for the purpose of confirming the certificates which they might have granted?—I think that it is better, because you would have longer time within which the proceedings might be going forward. I do not see any advantage in having the scheme sanctioned by a Public Act, supposing that a department has been satisfied that the conditions of the Act have all been complied with; it is adding to the trouble and expense and delay. In the case of the definitive scheme it would take effect immediately; by that means you might save the parties some considerable time, and allow them to begin the construction

construction of their line, instead of waiting for the sanction of an Act of Parliament.

104. Mr. *Adair.*] Then you would admit an application at any period of the year quite irrespective of the Parliamentary session?—I should be disposed to do so. When you came to consider the detail of the Bill very carefully there might be some difficulties about the time, but I should wish that to be done.

105. Mr. *Liddell.*] I presume that the work is to be performed by the department free of all charge to the parties?—It has not been the practice of the Board of Trade hitherto to make any charge upon any parties for any work which is done before it as a department; it is a matter fairly worth consideration whether, if a large class of Private Bills are withdrawn from Parliament, and the expenses very much diminished, it might not be proper that some small fee should be paid upon each scheme, so as to cover the expense of any additional officers who might be required in the department.

106. Do you anticipate if this scheme comes into operation a largely increased amount of labour being thrown upon the department —A considerable increase.

107. Then I gather from your answer that it would not be fair to transfer to the public purse charges or increased expenses incurred by the department for the performance of this work, which have hitherto been paid in the shape of private fees?—That is a fair question for the consideration of Parliament.

108. Mr. *E. P. Bouverie.*] What is the economy which you contemplate as regards this class of Bills; is it anything more than the saving of the Parliamentary fees?—It would save a great deal more than the Parliamentary fees; there is a Bill to be drawn, and there are a great many attendances; a Parliamentary agent's bill is not all made up of fees.

109. But there would be attendances upon the Board of Trade?—Yes, a few of them, but those would probably be less expensive.

110. Would you not contemplate its being done by persons of the class of Parliamentary agents who now attend upon Parliament?—The Parliamentary agents would probably be persons who could as usefully conduct the questions before the Board of Trade as others, but a great deal would be done by written correspondence.

111. Is that the result of your experience with regard to the provisional order class of Bills?—Yes.

112. That is to say, that a good deal of the arrangement is conducted by correspondence with the department?—Yes. I am not able to say what amount of expense has been saved by those provisional orders, as compared with what would have been the expense of Private Bills, but I believe that it is very considerable.

113. In the first place, all the Parliamentary fees would be saved, and then you think that there would be a considerable saving of expense in printing, and in the personal attendance of professional men?—In the personal attendance of Parliamentary agents and solicitors who come up to town.

114. Anything else?—Those, I think, are the great expenses.

115. Do you propose to fix any limit to the capital involved in these schemes?—No; I should leave that very much to the consideration of the parties interested. I should propose that for every new scheme there should be ample security that the line should be constructed; and, having got that security, I think that the public might leave the companies very much to manage the matter for themselves.

116. So that even a line from London to York might be constructed if the parties consented?—Yes.

117. Mr. *Puller.*] Supposing that the parties had begun upon this plan, and given their notices, and that then, at the last moment, there was a failure as to one landowner, so that they could not get their certificate, they would have to begin afresh, would they not?—No; the difference would be just this: instead of sanctioning the thing definitively, that is to say, issuing the certificate containing the scheme, the department would not issue that certificate, but would schedule the scheme in a Public Bill.

118. Do you propose that the same notices shall serve for an Act of Parliament as for a certificate of the Board of Trade?—I should contemplate that no

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further notices would be necessary, the previous notices having been such as those required by the Standing Orders.

119. You do not contemplate that in that case all this would be an additional expense to the Board of Trade?—No; I propose that the application to the Board of Trade shall be voluntary, and not compulsory; and unless the parties thought it more economical they would not come.

120. The consent which you require is not an active consent certified by every party, but non-appearance in opposition after proper notices?—Substantially, I suppose, that it would be so; I should wish it to be the same as it is in the House of Commons.

121. The notices, I presume, would be proved just as they are now proved before the Examiner?—Exactly.

122. And, of course, that to a certain degree depends upon the parties who give that evidence being able to speak as to the interests of all the landowners; you must take their evidence about it?—Yes.

123. Supposing that with perfect honesty there is a mistake about it, is the certificate of the Board of Trade to be final and conclusive as an Act of Parliament would be, or is it to be subject to be re-opened afterwards in a court of justice, by proving that, in point of fact, the proper notices have not been given to the parties?—I should propose it to be final; I should propose that the certificate in the Gazette should have the force of an Act of Parliament; I think that the more convenient course. You are aware that before issuing the final certificate new notices are to be given; it does not rest entirely upon the first notices, which are framed upon the scheme of the Standing Orders.

124. Would the Board issue notices?—The Board having proceeded upon the notices issued by the promoters, and having satisfied themselves that the scheme is proper, it being proved before them that there are no opponents, would still advertise it *de novo*; so that if any parties who had not previously been aware of it became aware of it by virtue of that notice they would still have an opportunity of making their objections.

125. You think that that notice by the Board of Trade would be a sufficient substitute for the notoriety which is given by bringing a Bill into Parliament?—For practical purposes, I think it would be sufficient.

126. Mr. *Adair*.] Would you propose to require a statement of the capital of the company so applying?—I should propose that they should state what their capital was, and what their scheme was; their estimates, and the like.

127. Would you require the Parliamentary deposit of eight per cent. upon the proposed capital?—What would be exactly the proper deposit, I am not prepared to say. Speaking off-hand, I should say the same amount as is required by the present Standing Orders; but I should be very anxious that there should be ample security (I think that that is the great thing to be aimed at) for the execution of the projected line.

128. Is not one great recommendation of your proposed scheme diminished expense, and relieving the applying company from the locking up of the deposit which now occurs under the Standing Orders?—The necessity for a deposit is an objection; it is a difficulty, but I am afraid that it is a necessary one. I think that it would be more than compensated by the facilities which I should propose that we should give for the construction of new lines. I feel that you must insist upon security, otherwise you would have speculative attorneys, engineers, and contractors, getting up lines without end.

129. Would you propose to follow the common period of time for the execution of the line, and for the compulsory purchase of land?—I should; I should propose that it should be done in conformity with the present Acts. If, on further consideration, with further experience, it was thought fit to modify them to any extent in the enabling Act, that is a question for the consideration of Parliament; but at present I am suggesting that it should be very much on the system which has been acted upon hitherto.

130. And you would permit under your plan for unopposed schemes application at any period of the year, totally irrespective of the sitting of Parliament?—It would be desirable to allow it, if it could be managed.

131. Mr. *Liddell*.] Is not the payment of fees to a public department of the State for work done in that department altogether a new principle?—It would be a new practice at the Board of Trade. I do not know whether it would be new in all departments.

132. It would be necessary, of course, that a strict account should be kept by the department of all monies so received, and I presume that the department would be answerable to Parliament for those monies?—The department is answerable for all funds which are placed at its disposal.

133. Mr. *Whalley*.] Adverting to your former answer, that the notices which you contemplate should be final, and that no one should be empowered to re-open the question after the final certificate had passed, do you still think that a local investigation of these matters upon a proposal for a Bill would not be expedient?—I think that in general in an unopposed case no local investigation would be required.

134. How would you provide for a case of this sort: that a gentleman's park might not be put down at all; there might be a complete omission from the deposited plans. I am supposing a case where everybody in the country desires to have the railway, and no one would like to oppose, or to appear to oppose, and therefore there is really no public prosecutor, so to speak, in respect of the project. As regards Standing Orders you are probably aware that those questions, like the other questions before the Committee, are prosecuted merely by parties having a private interest. How would you provide for the accuracy of the plans, and that the Standing Orders had been complied with, so far as regards laying down the property upon the plans, so that the works might be carried out, and that there might not be endless disputes when the promoters came to construct the railway, in consequence of the deficiency of the plans?—I should propose to adopt the same system as that which has hitherto been deemed sufficient for Parliament; if it is sufficient for Parliament, it would be sufficient for the department.

135. It comes within my knowledge that a case of this sort has arisen, which I will put to you hypothetically: a Bill which was very much opposed on other questions was not opposed on this, namely, that it took a line which, on further investigation by an engineer, was found to be almost wholly inexpedient, and after a large sum of money had been expended that line was abandoned, and the other line, which was quite obvious on inspection, and would have suggested itself at once to any person making an inspection on the spot, was adopted. Do you not think that such cases as that might arise in which a public examination of projects (not depending entirely upon private interests) would be expedient, even though Parliament does not now do so?—No, I think not; I think you must leave those who are to make the line to judge which is the best line to make.

136. Then I understand you, after the questions which have been put to you, to say that the public interests regarding these projects are invariably to be secured by the accident of the private interests and the public interests being identical?—I think that the public interests are promoted by private persons being allowed to make a line which may not be the best for the public, if they do not choose to make any other.

137. You think that the public interests with regard to railways are fully secured by depending upon the fact of the public interests being coincident with the private interests?—I have not expressed an opinion upon that abstract proposition. I think in the cases supposed the public interest is promoted by allowing the parties to choose their own line.

138. I understand that to be the effect of your evidence?—I adhere to the evidence which I have given.

139. We will suppose that a railway is projected from London to York, or to any other place, and that there is no single person having sufficient private interest to induce him to come, and not simply incur the expense of opposing, but risk endangering a project which has so many advantages compared with the disadvantages of it, you think that the course which you suggest is sufficient: you think that there is no danger to the public interest, and that there is no necessity for inquiring for the interest of the public exclusively and apart from any private interest, as to whether that line might be improved, whether it is good in itself, or into any questions affecting merely public interests?—I think that unless there is some body who is prepared to adopt the improvement to be suggested, it would not be to the public interest that you should send any person down to inquire whether a better line could be found out or not.

140. Adverting to the questions put to you by an honourable Member, as to the

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the expense, suppose that the plans as deposited were objectionable to individual landowners, but that they intimated that if the line could be deviated from their property, or deviated in certain particulars, they would withdraw their opposition; would you take cognizance of that at the Board of Trade?—In the scheme which I have proposed, I have suggested that it should be in the power of the Board of Trade to allow a deviation with a view to conciliate objection, and to let new notices be issued.

141. Still keeping in view the expense, suppose that that deviation should suggest some other deviations of the same nature, and that a man said, "I object to a deviation through my land," you would deviate the line again, I suppose?—That might be a reason for not deviating.

142. Does not this proceeding, which you suggest in the case of unopposed Bills, involve the necessity of some quasi-judicial tribunal being established, to take cognizance of this, and a variety of other things which one can hardly contemplate, more than the mere clerkship of passing correspondence through the office; does not it involve a tribunal to take cognizance of the questions which might arise?—It does not seem to me to require any other tribunal than the department charged with the duty of sanctioning the schemes upon terms prescribed by law.

143. Will you point out in what respects your present suggestions differ from those which were handed in by you in 1858?—In the first place, I propose that the scheme should extend to certain other matters, to which the scheme of 1858 did not extend, and I withdraw from it a limitation which was contained in the former scheme, that the department was not to deal with amalgamations if the lines proposed to be amalgamated formed a scheme competing with some other line.

144. Mr. *Paull.*] Do you think that the suggestion which you offer should be confined simply to railways, or might it not be extended to many other classes of projects which now seek powers from Parliament?—I think that probably it might.

145. *Chairman.*] Where parties are not all assenting, that is to say, where certain landowners for instance are dissenting, say a small proportion, one-fourth, how would you deal with that class of undertakings?—I should propose that the department might sanction those schemes provisionally; that they should schedule them in a Public Bill, which would be brought in by the department to confirm the schemes. Then I should propose that the petitions of opposing parties should be presented within a limited time, say 14 days, after the first reading of the Bill, or the opposition be deemed to be withdrawn.

146. Mr. *Adair.*] Then partial opposition would create a Bill which would be introduced into this House?—Yes.

147. Mr. *Paull.*] Not a separate Bill?—No; it would make a Bill necessary with reference to that scheme, but several schemes would be scheduled in the same Public Bill.

148. Your provisional order would be scheduled?—Yes.

149. And you would have a clause enabling the parties to petition. Would you have so much of the confirmatory Act as related to the particular scheme referred to a Select Committee?—Yes.

150. And you would then confine the inquiry before that Select Committee to the particular complaint or grievance set forth?—Yes.

151. *Chairman.*] Have you considered what would be the least amount of dissent which would entitle parties to have the benefit of these provisional orders?—If there were any dissenting party it would make it necessary that the scheme should be sanctioned provisionally only, but I would not let the scheme be entertained by the department unless there were at least three-fourths assenting; if not, it must proceed by Bill in the ordinary way.

152. If the dissent exceeded a certain amount then the promoters of the undertaking must proceed as now by Private Bill?—That is what I should propose.

153. Have you considered the amount of that dissent which would disqualify them from having the benefit of this more cheap and easy mode of obtaining authority for making the undertaking?—I should propose that if one-fourth of the landowners were dissenting, then the promoters should proceed by Bill in the ordinary way. In the present scheme I would not propose to go further than that.

154. If more than one-fourth of the landowners dissented then the promoters must proceed by Bill in the ordinary way?—Yes; that is what I should propose.

155. Do you mean one-fourth in number or in value?—Probably the value of the land along the line; that is a matter of detail which would have to be considered in passing a General Act.

156. Mr. *Puller.*] Suppose a line of 10 miles in length, and that 9½ miles belong to one great landowner, and that the other half mile is divided amongst a number of small landowners, would you allow the consent of the small landowners to prevail?—I think not, in that case; I think that that must be considered as an opposed Bill to be brought in in the ordinary way.

157. Mr. *Liddell.*] I understood you just now to say, that "if one landowner, or one person authorised to oppose offered an opposition, in that case the order of the Board of Trade for the construction of the undertaking was to be only provisional, and that that special and particular complaint was to be made the subject of inquiry by a committee?—Yes.

158. So that there is a further limitation than the one-fourth of the owners of property?—The one-fourth has reference to the original application to the Board of Trade to entertain the matter at all.

159. Mr. *Massey.*] If you got your quorum of dissentients, the Bill would go before a Committee, and the whole question would be opened; the landowner's opposition might be, This is not the best line; I can show you a better line; or you may avoid my property, and may go through somebody else's; that would open the whole question of the expediency of the line at all, would it not?—I should not propose to allow a landowner to open the whole question. I would confine him to his special objection to the scheme on the ground of residential damage, and the like. I would enable a landowner to say, for instance, If you go a quarter of a mile round, you need not touch my park, and that would be a fair question to be discussed before the Committee; or he might say, If you take away this portion of my pleasure-ground, my house is of no value to me, and I will ask the Committee to make you buy the whole property, which would be in accordance, by analogy, with a principle already in the Lands Clauses Act, but I would not allow him to oppose the preamble of the Bill, except by showing that his special damage, residential or other, outweighed the public advantage of the proposed line.

160. Supposing there were a dozen landowners, and their case was one case, We do not want the line, would you not allow them to be heard against the preamble. I do not refer to what you call a residential opposition, but if they said, We do not want this line in our district, would you not allow them to be heard against the preamble?—No. By the preamble, I understand to be meant the allegation that it is for the public advantage that a line should be constructed, and I think that the test of that should be whether a company, provided with ample security, had satisfied themselves or not that there was a demand for that line, and that it would be a public advantage, that is to say, that it would pay.

161. *Chairman.*] With regard to the undertakings which do not come within either of the categories which you have mentioned as being unopposed, or only opposed by one fourth of the landowners, you would allow them to go on as now?—Yes; I would allow all to go on as now, if the parties think fit, but I would require those to which the question refers to go on as now.

162. You would not have done much, would you, to relieve Parliament of its labours, or promoters of their expenses, if you stopped there?—I should think that I should have done a good deal to relieve promoters from expenses. I believe that it would be a great boon to railway companies to have those facilities given them for making branch and extension lines, and the like; but you would not withdraw a great deal from the contentious discussion which goes forward before Committees of the two Houses.

163. What do you conceive to be the grand cause of the prolonged labour of Committees, and the expenses incurred before Committees?—I suppose that the greater part of the contentious discussion, which has gone forward for the last 20 years before Committees of the two Houses, has arisen from the opposition of competing lines, in one shape or another, either fighting behind the

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backs of landowners, or road trustees, or being allowed openly to object on the ground that the line interferes injuriously with some scheme of their own which has been sanctioned.

164. By your proposal, as I understood, in answer to a question put by Mr. Massey, you would not allow railway companies to fight their battle through landowners indirectly, the question being merely one of a competing scheme?—No.

165. You would secure that by only allowing a landowner to oppose upon his own special case as to the way in which his land was interfered with. You would not allow him to oppose the Bill on its merits, or be heard against its preamble?—I would not allow him to be heard generally against the preamble. He must be confined to his own ground of complaint.

166. In that way you would prevent the contention of rival companies upon the question of competing schemes?—Yes; and it is not an original suggestion of my own that landowners should be confined to urging their own special objection upon residential and other considerations; for the Committee of 1853, in their Fifth Report, adopt that principle. I have here an extract from the Fifth Report of the Select Committee on Railway and Canal Bills in 1853, page 15, which is this: "No landowner petitioning only as such, alleging no general public ground, and not liable to the provisions as to costs, should be heard upon the general question of public advantage; but in such cases the inquiry should be limited to such investigations as the Committee might think it right to institute into the nature of the residential or other damage which the proposed scheme would entail upon him." I would propose to prevent railway companies from fighting behind the backs of landowners by confining the objection of the landowner to the special damage to be apprehended by him from allowing the line to be sanctioned.

167. Supposing that there were two railways proposed at the same time which would be rival and competing schemes, you then must allow the Committee to whom those schemes were referred to entertain the question which was the best line; you would have two sets of parties, each showing by their willingness to make the deposit and give security that they thought their line was for the public advantage; the Committee would have to go into the question of public advantage to decide which was the best line of the two?—In that case, if there were two new lines proposed I think that it might be desirable that the House should decide between them; but as a general rule I would not allow an existing line to object to a new projected line on the ground that it would injuriously compete with it. I think that the time has now come for a change of policy in that respect. I think now that railways have become the public highways of the country for everything except the local traffic, the policy should be to give every encouragement for the making of new lines, and not to listen to the objections of rival companies complaining of competing schemes. I think that the old notion that these undertakings were entirely of an exceptional character, and were necessarily monopolies, and that you must protect them on the one hand and restrict them on the other, should no longer prevail; and that it is time to abandon that policy, and to allow unrestricted competition in the construction of railways, and to give all facilities in that respect.

168. Colonel *Wilson Patten.*] To have free trade in railways?—To have free trade in railways.

169. *Chairman.*] Then the effect of your proposal would be to exclude altogether from the consideration of the Committee the question of injury to an existing company by a new proposal?—Yes, with perhaps the exception of the case which has been mentioned by the Chairman, of two new lines proposed at the same time. Of course the existing company is to be allowed to be heard against any proposal to interfere with its line or works by another company.

170. By your system of deposit would you provide, in your opinion, adequate security against unreal undertakings which would be proposed for the purpose of afterwards being bought up, or something of that kind?—That is what I should propose to do; I should propose that all parties desiring to promote a new line should give ample security for its construction, and if a company had satisfied itself that the line was a paying line, and wasp repared with the security, I should give it every facility for making its line.

171. Colonel

171. Colonel *Wilson Patten.*] You say that you would exclude the landowners from any opposition on the merits of the scheme?—Yes.

172. You would confine them to the damage locally done to their own properties individually?—Yes; if they could show that that damage was in the aggregate so great as to outweigh the general advantage to the public from the proposed line, the Committee would throw out the Bill.

173. How would you provide for a case of this sort, where a large and very powerful company proposes to make a branch railway through an agricultural district, and injures one particular property, would you exclude that gentleman whose property was so affected from pointing out that the proposed scheme was a vicious one altogether, and that another scheme would be preferable to that which went through his property?—I should allow him to urge that another scheme should be adopted; that is to say, by going a little way round, or the like; I would not allow him to question generally the expediency of making of a line there. If parties were prepared to construct a line, and were prepared with ample security that that line should be constructed, I would take it as conclusive that it was for the public advantage that there should be some such line as that, but I would hear the landowner to say, "By going a quarter of a mile round you might without inconvenience have avoided my property, and if you choose to take my property you must give me an extraordinary price for it."

174. How is an individual landowner to do that without going into the preamble of the Bill?—He would say, "I admit that you have proved that a line is wanted, because you have furnished security that you are ready to make it, but my particular grievance is such that I shall show that it was your duty to have gone a quarter of a mile round." And if the Committee should agree with that view, they might say, "This scheme is improvidently framed; let the promoters come next year, going round;" or they might say, "This is a great hardship upon this particular landowner, and we will not leave him to the common mode of estimating the damage under the Lands Clauses Act; but we will insist upon some special indemnity being given to him."

175. How would you provide for a case of this sort which occurred in the present Session, that a landowner is affected by a branch line from a great railway; he opposes it, and he says that the line is not necessary, or that the necessity on the part of the public is not such that his property shall be entirely sacrificed to that line; he cannot prove a case of that kind without opposing the preamble of the Bill?—Yes, I think he might.

176. In what way?—I assume that if the parties are prepared to make the line, and to give security that they will make it, the line is advantageous to the public, though not to him. He may say, "That is quite true; but my special grievance is so great that I hope the Committee will think that it outweighs the public advantage;" or he might say, "I admit the preamble, but my particular case is such that the promoters must compensate me in a very extraordinary manner, or I hope the Committee will stop the line." But I would not let him go into a long history of what the traffic is, and a comparison of the expected profit with the expense of making the line, and the like, which is generally what opposing the preamble consists of.

177. But in this case the individual who thinks that his property is going to be entirely sacrificed, says, "It is an advantage to your line to come through my property, but I maintain that the advantage to the public is not such as to justify trying to come through my property." I do not see how, under your plan, that gentleman can propound his case, limiting it to damage to his property alone?—He can say, "This is quite extraordinary, and not a common case. I admit that the line would be a good line, were it not that it is necessary to do this enormous amount of mischief to me." It would be just such a case as the case of the Finsbury Circus. It may be that a large station there would be a great public advantage, but the inconvenience to the inhabitants of the circus and the neighbourhood of taking away Finsbury Circus may outweigh it.

178. Mr. *Adair.*] You would not allow a landowner to question the Company being in a position to deal with his land at all?—No.

179. You would not allow him to question their existence or their right to exist?—No; except within the limits that I have suggested.

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180. As I gather from you, the mere fact of depositing a given sum of money is to preclude a certain amount of inquiry by the landowner into the policy of the scheme?—Yes; I think that the best test that a line is wanted by the public is that a company are prepared to stake their capital upon it, giving security for its completion. A Committee on a Private Bill cannot satisfactorily inquire into and determine questions of this kind, and I think it had better not attempt it.

181. Mr. *Puller*.] There is another point which often furnishes a great subject of objection, namely the engineering defects of the scheme. Would you shut out the landowner from showing to the Committee that the scheme was so defective in its engineering arrangements that practically a line could not be made, and that he might have his land divided in this way, and that after all the public would not obtain the benefit which was proposed?—I would not allow that objection to be made. If there were engineering objections to the mode in which the line, as proposed to be constructed, affected the property of the landowner, those I would listen to.

182. Supposing that those objections do really exist, and that the landowner is precluded from taking those objections before the Committee, is not the certain consequence this, that the objections will be taken and fought in the House afterwards?—I should hope not.

183. Is it not practically so, that if there are objections to a scheme which cannot be fought under the existing rules in the Committee, they do furnish ground for battle in the House?—To a certain extent that might be the case. But I do not propose to object to engineering objections being discussed.

184. Mr. *Liddell*.] There is one other class of objection which seems to me not yet to have been considered. Supposing that a village, or a portion of a district through which a railway is contemplated to pass, considers that its fair amount of accommodation is not afforded to it, what opening do you give to those parties to be heard?—I would let the inhabitants of the district say, "True, this is a very good line, but you are disturbing an enormous mass of houses here; there is no possible place where this population can go to, and that outweighs the public advantage of your line." I would not let them put the promoters to the proof that the line was in other respects a good line.

185. That is not the class of objection which I contemplate. I am supposing that a village, or a certain amount of population in a district, think that the accommodation afforded is not that which they are entitled to?—I would not listen to an objection of that kind at all. I would let them make a better line, if they could get any funds and could make a better line; but I would not let them say that a line better for them might be made by the promoters. The promoters must judge for themselves what they think the best line, as they are to pay for it, and to work it.

186. Then you do not contemplate protecting the public against the construction of what might be bubble schemes?—Yes, against a bubble scheme by the deposit.

187. But that is the sole protection which the public would get?—I cannot suggest a better.

188. Mr. *Whalley*.] I understand your opinion to be generally that encouragement should be afforded to new projects of this description?—Yes.

189. And that the present difficulty attending the question is the extreme expense to which such projects may be exposed, chiefly, you say, by competing schemes?—Yes.

190. By "competing schemes" am I to understand you to mean those comparatively rare cases where two parties desire to occupy the same ground, or where one party having already occupied the ground desires to preserve a sort of monopoly; do you concur with the suggestion that it is from the latter class of persons that new projects meet with the great difficulties and expenses to which they are subjected?—It is the opposition from that last class which I would not listen to.

191. The ground on which they object to the preamble is generally that the line is not wanted; that is the way in which it is done?—That, I understand, is the way in which it is done.

192. Would

192. Would not that difficulty, and also many of the difficulties which have been suggested round the table, be removed, so far as they operated as a discouragement to projects, by something in the nature of a preliminary inquiry as to the expediency or necessity of a given line between the two places prior to entering into those details which we have named, prior even to the preparation of the survey or the discussion of particular landowners' grievances. At the present time the two questions are mixed up together before the Committee; there is, first, the preamble, and that cannot be tried until the parties who are projecting the line, who, you say, are entitled to encouragement, have incurred all the expenses of the surveyors, and have subjected themselves to as much expense before the Committee as their opponents may be enabled to subject them to. Would it not be expedient, with a view to carry out that which you have stated to be desirable, that those questions should be separated, and that in the first place the general question whether a line of railway is wanted (whether it be a branch line, as was suggested by the honourable Member for Lancashire, or a new line between any two places) should be fairly considered, either by a local inquiry, or by some other means, before the Promoters were subjected to the expense of preparing the survey and of going into the questions between landowners and into other objections which might be offered?—I am not sure that I quite catch the scope of the question.

193. Might it not be expedient to have the question first settled, that the proposed line is of public necessity, and of public advantage, before the expense of making a survey is incurred?—I think that you must leave it to the promoters of the scheme to judge themselves whether the line which they propose to make is wanted or not. I think that no inquiry, by independent parties, can determine that question; it must be the promoters of the line who are to judge whether the line is wanted or not, and whether they are willing to make it.

194. *Chairman.*] I suppose that if the promoters are willing to stake a large deposit, and give security that they will carry out the undertaking, they believe that it will pay?—Yes; and that is the best test.

195. And if they believe that it will pay, they believe that there will be a great deal of traffic, in order that it should so pay, and if there is a great deal of traffic on the line, that shows that it is for the public advantage; is that your view?—That is what I mean.

196. Mr. *Whalley.*] Would not your opinion go to this, that no opposition should be made, excepting upon the details, that the offer to make a line would be a sufficient proof of its public necessity?—Yes; I should say that the fact of a company being prepared with ample security, and ready to make the line, ought to be conclusive that it is desirable that such a line should be made.

197. We are now upon the question of opposed Bills, and what I desire to have your opinion upon is this: the opposition to Bills can be of two characters, the one to the details that the particular gradients, and the particular course of the line are not good, or that it injuriously and needlessly affects private property, that is one class of objections; the other is of the nature which you first mentioned, namely, competing opposition, and that the line is not necessary; the opposition of parties who say that the new scheme will withdraw a part of the traffic from the existing line, or any other general objections, such as that the line is not wanted?—That is an objection which I would not listen to.

198. Would it not be convenient, and calculated to encourage persons who desire a new railway in their district, that they should be enabled, before they incur the expense, even of surveys, or subject themselves to all the detailed opposition which might arise upon an examination of those surveys, to have the question settled, Is a line between those two points for the public advantage?—Settled by whom?

199. Is it not desirable that it should be settled by some one?—It must be settled by those who are going to stake their money and responsibility upon the construction of the line.

200. We are upon the question of opposed Bills; I assume that many persons are opposing; upon my proposition, would not their objections to this new line be heard before the promoters had been subjected to the expense

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even of surveys, or of proving those surveys; we will suppose that the opponents say, A line from A to B is not necessary, and if it is made it will injuriously affect our existing interests as regards canals or other railways, or other matters, which would be properly heard against the preamble; would it not be an encouragement to persons who are desirous of obtaining a railway for the benefit of their district that such a question should be settled, and could it not be conveniently settled in the first instance, and before the surveys were prepared, namely, that a line from A to B is really required?—No, I think that the best encouragement is to allow them to select for themselves the line which they think will pay; and then, having selected that, to give them every facility for having that line constructed.

201. That being so, you contemplate being enabled to prevent these persons who object to the line altogether from raising that objection under the name of some landowner, or some person objecting to the details, you contemplate that that would be practicable; you would so limit the power of landowners or other persons objecting to the details of the survey as to confine them to their strict point of objection?—I would confine the landowner to the objections arising out of the nature of his property which was interfered with; I would not let him question the preamble of the Bill.

202. Colonel *Wilson Patten.*] In your position at the Board of Trade, and the facilities which you have had of looking into all the railway schemes which have come before you, have you not had occasion to observe a number of schemes which have been got up without any real foundation, for the purpose of being sold to the large railway companies?—I have heard of such things, but they have not come under my notice.

203. You are not aware that such a practice exists in the country, of parties propounding railway schemes with the object of selling them to large companies?—No; I have heard that such things take place, and I think it very probable.

204. Supposing that such a thing has existed in the country, how would you, under your scheme, provide against it; would not your scheme facilitate those kind of enterprises?—No, I think not; because I do not suppose that the parties projecting those speculative schemes would be prepared with the security which I should require in order to allow the line to be sanctioned.

205. I suppose you mean by a deposit?—In the case of a new company it must be by a deposit.

206. At the present moment they are obliged to deposit eight per cent.?—Yes.

207. But that, it appears, does not prevent these schemes being got up for the purpose of being sold?—That shows that the deposit is not sufficient.

208. You would have a larger deposit?—Yes, if it be as you state; and I would also go further, and would subject them to the forfeiture of the line if after a second period the line were not completed.

209. Do you mean the forfeiture of the line or the forfeiture of the deposit?—I would forfeit the deposit if the line were not made at the first stipulated period; we will say three years, or whatever time was allowed for making it; and then if the line were not completed at the end of two years more, or some period named, it should be forfeited to the State, and then we should get the line made if wanted, or the lands sold for the public advantage.

210. Mr. *Lowe.*] Are not those deposits commonly borrowed from bankers and returned as soon as they have accomplished their purpose?—I do not know where the money is got. If the purpose is the making of a line, and the line gets made, I should not think it very material where the money came from.

211. Colonel *Wilson Patten.*] The security which you would take would be the forfeiture of the first deposit at a very early period?—At the period stipulated for the completion of the line.

212. Mr. *Adair.*] Without any further extension of time?—Yes, if the Act sanctioning the railway so provided. It would be for Parliament to consider what would be the best security. My purpose would be to guard against a bubble scheme, and to ensure that the line should be made; that it should be a *bonâ fide* line.

213. Mr. *Liddell.*] The forfeiture to the State of an unfinished line of railway is

is rather a new feature?—Yes. It might work in this way: supposing that the land was all purchased, and perhaps a portion of the line constructed, the probability is, that some other company would be ready to purchase it at a low rate, with ample means to have the line completed and worked. If not, the lands might be sold, as I have suggested.

214. Mr. *Adair.*] Then, in that case, you would repeal the provision of the Railway Abandonment Act, for restoring the land to the proprietors?—Yes. I merely throw out the notion of a forfeiture; but it would be a fair subject for consideration whether the land should not go back to the landowners. It is very possible, however, that the public advantage would be better attained by the line being kept alive in the hands of some other company.

215. *Chairman.*] In the case of an established dividend-paying company, you might, at the termination of the time for the completion of the new undertaking, stop the dividend until it was completed?—I think that that might be the system adopted in the case of a dividend-paying company.

216. Mr. *Adair.*] Are you aware that the Order of the House impounding the dividends was rescinded last Session, and another Order substituted of a more stringent nature?—Yes; I do not know upon what grounds the plan originally proposed of stopping the dividend was abandoned; there were, no doubt, reasons for doing so, and substituting the other method. What I should propose would be to take what should appear to Parliament effectual security for the completion of the line.

217. Mr. *Paull.*] When a Bill comes before a Committee, do you propose, by any means in the world, to stop any inquiry into which the public may choose to go before the House of Commons?—Yes.

218. Do you think that it would be competent for a Committee appointed by the House to inquire into the merits of any scheme, to say, "We will only hear so much, and no more," to say to a counsel, "We will have no more of your evidence upon such and such a point, whether you have the money or whether you have not"?—The Houses of the Legislature are constantly in the habit of doing that, and saying, "We will not allow a *locus standi* to so and so;" they refuse to hear the public.

219. But suppose a *locus standi* to be allowed?—I would on grounds of public policy refuse a *locus standi* to a railway company to complain that a projected line competed with the line which they had already constructed.

220. Mr. *Puller.*] If you exclude from the consideration of the Committee all such questions as the engineering merits and the financial merits of the scheme, do you propose that there should be any previous trial of those questions by the Board of Trade?—No; any engineering objections applicable to lands or works interfered with by the railway might of course be discussed before the Committee, but not the general engineering or financial merits of the scheme.

221. Then is it to be taken for granted that every scheme which comes before the House is perfect in all those respects?—I would leave to the projectors of the scheme the responsibility of selecting the best line, and of overcoming the engineering difficulties in the best way they could. I should guard against an improper crossing of roads and the like, so far as those things could be guarded against in a Public Act, but that being done I should leave to the promoters of the scheme the responsibility of selecting the line and of overcoming the engineering difficulties as they might.

222. Then you would take people's property by compulsion for the purpose of the line without any proof having been offered to the House that the project was a feasible project?—Yes.

223. *Chairman.*] Your point is that a company is willing to stake its capital upon the completion of the line?—Exactly so.

224. Mr. *Adair.*] I dare say you may have heard of what are called block lines, that is to say, lines which are made notoriously for the purpose of preventing anybody else from coming into the district and making a line there?—Yes.

225. In those cases the deposit would be ready; would that, in your opinion, be a sufficient evidence of the necessity of the line?—Yes, I think so. I think that it would be evidence that such a line was demanded, and I think that it would be to the public advantage therefore that such a line should be made.

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226. There being merely the evidence of the deposit of a certain sum of money, and scarcely any one being admitted to question the policy of the scheme?—I think that the sound principle is to allow the company who project the construction of a line of railway to judge whether a given line of railway is one which will be advantageous to the public or not, that is to say, one which will pay.

227. And the public are to afford those facilities for resisting a railway on the policy of which they have had no opportunity of expressing an opinion?—Yes, I think that the time has come for that. It is, however, rather in the interest of the public that the individual landowners are to afford facilities.

228. Mr. *E. P. Bouverie.*] I understand you to go to this extent, that you hold that it is for the public advantage that any railway whatever should be constructed, provided people can be found who are willing and who have the means to undertake the constructing of it?—I do not know so good a rule for ascertaining whether a line is proper to be constructed as that. I do not think that Committees can usefully inquire into whether a line can pay, or whether it is needed. I think that that had better be left to the consideration of parties who are to stake their money upon the construction of the line, sufficient security being taken for the completion of the work.

229. *Chairman.*] What is meant by the expression which I have often heard that landowners are subsidised by existing Railway Companies to oppose new undertakings?—I believe it means that the Railway Company desires to oppose the line; but either it has not a *locus standi* to oppose it on the ground of competition, or it thinks that that ground would not find favour with the Committee, and it desires, therefore, under the shelter of the landowners, to make all sorts of objections and to throw all sorts of difficulties in the way of constructing the line; the Company looks out for a landowner who will allow it to fight behind his back.

230. Mr. *Whalley.*] In illustration of your suggestion that lines should be granted freely, does it fall within your experience that any single line which has ever been granted and made in this country at the present time could be dispensed with without injury to the public?—I am not aware of any such line.

231. Take the converse of that proposition, do you think it reasonable to suppose that any lines which have been proposed, and have been rejected by Parliament, have been a loss to the public; that it would have been for the public benefit if they had been passed?—I think it extremely probable.

232. With reference to the suggestion as to a block line, I understand it to be that a railway company shall, for the purpose of maintaining their monopoly, put out a line of railway, with the intention of its not being used by them. Would not that be remedied, by giving to any rival company when they detected this policy free running powers over that line?—I should question whether that is the best method of correcting the evil; it would be better to allow the rival company to construct a line of its own, if it desires to do so.

233. Would not many of the objections which have been stated to your leaving the matter entirely in the hands of these projectors, only stipulating that they have money enough to pay the deposit, be obviated, if there should be a local inquiry under the supervision of some such standing tribunal as the Board of Trade, supplemented by a Board constituted for that purpose. They would be enabled in the case of any public injury, or in the case of any wanton attack upon private property, to exercise a controlling power, and to advise Parliament upon the subject. Is there not sufficient in the objections which have been suggested to you round the table, to suggest some preliminary inquiry of that kind, with regard to the public necessity of the line?—I do not see that any advantage whatever would result from a preliminary inquiry, unless the parties directing the preliminary inquiry had the power and the intention to construct the line which, upon inquiry, they should find to be best.

234. I do not mean a preliminary inquiry in the sense in which it was used in a former Act of Parliament, namely, a preliminary inquiry previously to a further inquiry by Parliament, but a preliminary inquiry which should be final in its results, whether it was as to the preamble of the Bill or the details, unless the

the opponents of the Bill in the full House should give sufficient reason for referring it back again to that tribunal, or to its own Committee. The preliminary inquiry would be to decide finally, subject to the final decision of Parliament; do you still think that no such plan is advisable?—I do not understand its deciding finally, subject to the final decision of Parliament.

235. The preliminary inquiries which took place under the Act of 1846 collected evidence, and that evidence, instead of being accepted by Parliament as final, was referred to the Committee, and the Bills were referred to the Committee in the ordinary way; the Committee, as you are aware, threw the evidence on one side; they said, "We are either appointed to inquire into this business, or we are not; we will not be bound by any decisions of a preliminary inquirer, but we have to report upon the whole question to the House;" instead of that, the preliminary inquiry of which I am speaking at present is exactly analogous to that of the Enclosure Commissioners, that is to say, they inquire, and they report to Parliament that such a Bill is necessary, and ought to be passed; Parliament then has the power of saying yes or no, or of referring it back for further inquiry, or referring it to a Committee, as it might now refer a Bill back to a Committee; the proposal is that, subject to that, the report should be final; do you see any practical objections to that course?—So far as I understand it, I see a very strong objection to it.

236. It is exactly analogous to the course of the Enclosure Commissioners; what are the objections to that?—There is very little resemblance between the enclosure of a common and the construction of a long line of railway. The inquiry by the Commissioners is with a view to the distribution of the common among the parties interested; there you must have an inquiry by the person who is to arbitrate; that is quite different from the case where A. is desirous of constructing a railway, and where you get Z. to go and inquire whether some other railway would not be better.

237. You say that the enclosure of a common is a very different question from the construction of a railway; will you be so good as to point out what is the material difference between the two, so far as this point is concerned?—The difference is what I have just indicated.

238. I want to know what is the material difference between the two questions; both have public interests and both have private interests involved, and why should not one be properly adjudicated upon by a competent tribunal as well as the other?—The one is a question of distributing a common amongst the landowners who may be entitled to have the different shares of it, the other is a question whether you are to allow certain parties to judge for themselves whether a given line of railway which they desire to construct is the best line which could be constructed, or whether some other railway had not better be constructed. Now, I think, that that inquiry would answer no useful purpose.

239. The questions which come before the Court of Queen's Bench, or any other court, are different in their materials. Why should not the one question be adjudicated upon as satisfactorily by a fixed tribunal, such as that of the Enclosure Commissioners, as the other; what are the questions which arise in the one case which preclude the satisfactory working of such a tribunal in the one case as the other?—The matters required to be decided are quite different in the one case and in the other.

240. *Chairman.*] Can you suggest any change in the Parliamentary tribunal itself, before which many questions will still have to be considered; you contemplate not withdrawing many questions from the investigation of the Committees of Parliament; can you improve those Committees, or do you think that it is desirable that there should be a Select Committee of each House before whom the same proofs should be given, and so-forth?—I think it is possible that you may improve the constitution of the Committee; I do not think it is likely that you can usefully withdraw open questions from the decision of the Committee, and leave them to be decided by some tribunal in the nature of a judiciary tribunal. I think, that for open questions, namely, questions where the principle of decision cannot be reduced to a law, you still must resort to something like the present Committees of the Houses; that where you cannot say what are the facts, which being ascertained, a certain scheme shall be sanctioned, you cannot usefully refer the inquiry into the facts to any other

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body than the Committee itself. If you could determine the facts according to which it would be proper that a scheme should be sanctioned, then you might have a tribunal in the nature of a judiciary tribunal; but if you cannot do that, I believe that you must still resort to the ancient method of having these questions decided by Committees, or rather I should propose by a joint Committee of the two Houses; I think that the fluctuating character of the Committees of the two Houses, which is sometimes urged as an objection, is not altogether a disadvantage; it has the advantage of keeping pace with the progress of the times. If you referred matters which are now ordinarily determined by Committees of the Houses to a judicial tribunal, that tribunal, proceeding strictly upon precedent, would be apt to stereotype the policy of a bygone age; it would not keep progress with the times. I doubt whether if questions relating to railways had, 20 years ago, been referred to a judicial tribunal, we should have made the progress which we have in those undertakings.

241. Then I understand you to contemplate keeping these open questions still entirely in the hands of Parliament?—I think it best to do so.

242. Can you suggest any improvement in our Parliamentary tribunal?—I think that it would be a great improvement if the two Houses would agree to have a joint Committee, and have one hearing only; you would then save the expense of a double inquiry.

243. Will you explain how you would arrange such a change?—When the Bill to be referred to the Committee was in the House of Commons I should propose that the Committee should be composed of three Members of the House of Commons, to be selected by the Committee of Selection, and two Members of the House of Lords; and that the Chairman of that Committee should be one of the three Members of the House of Commons, and that he should not have a vote upon ordinary occasions, but merely a casting vote in the case of an equal division; so if the Bill were in the House of Lords I propose that there should be three Peers and two Commoners, the Chairman in that case being one of the three Peers, and that they should vote in the same way.

244. You propose two Commoners and two Peers, and the Chairman a Peer or a Commoner according as the Bill happened to be in the Lords or the Commons?—Exactly so.

245. Mr. *Adair*.] You mean according to whether originated in the Lords or the Commons, because according to your system it would never go from one House to the other; it must originate either in the Lords or in the Commons?—I should propose no change in that respect from what takes place at present.

246. *Chairman*.] If it had gone through that Select Committee in the Lords, when it came down to us we should not send it through a Select Committee in our House?—No. I should contemplate the possibility, in extraordinary cases, that either House, upon the representation made to it by its Members of the Committee, might see fit to refer the matter back to the same tribunal.

247. To have a re-hearing?—It would be a re-hearing. There often is an advantage in a re-hearing; things are heard more carefully a second time.

248. Any new matter or circumstances which might be alleged, might be a ground for the House to order a re-hearing?—Yes, or any sufficient reason for being dissatisfied with the first decision; re-hearings are common in the Court of Chancery. It is often represented that the hearing before the Committee of the second House is an advantage; that there is great benefit from its being in the nature of a re-hearing. In extraordinary cases, in the scheme which I propose, either House would still have an opportunity of referring the Bill for re-hearing to the same tribunal.

249. Would not there be some considerable saving in expense to the parties by their only having to give their proofs before one, instead of as at present two tribunals?—I think that there would be a very considerable saving.

250. Mr. *Puller*.] When you say the same tribunal, do you mean the same individuals, or another Committee composed in the same way?—The same individuals, just as you have a re-hearing in Chancery before the same judge.

251. Mr. *Liddell*.] Would you make it compulsory, in the case of an application being made for a re-hearing on the Committee, to re-hear the whole case?—No;

—No; I merely contemplate that either House, in extraordinary cases, might, as it does now, refer the matter back to the Committee.

252. Colonel *Wilson Patten*.] Am I to understand that you have written this scheme out on paper from beginning to end?—The scheme for sanctioning small lines and other purposes, I have written out; I have an outline of the proposed Bill.

253. It would be, from your great experience, a very great advantage to the Committee to have the whole scheme drawn out by so experienced a person as yourself. Do you not think that you could put your whole scheme on paper, in the same way as you did to the Committee over which I presided in 1858?—I have the scheme, that is to say, I have an outline of the Bill which I would propose, written out in the same manner as that which I gave in to the Committee in 1858. With the leave of the Committee I will give it in—(*delivering in the Paper*).

Vide Appendix.

254. Have you it, with regard to the constitution of the joint Committee?—I have no other scheme for this purpose that what I have just suggested; my proposal is of the simplest character.

255. You propose that when a Bill originates in the House of Lords, there shall be three Lords and two Commoners on the Committee, and that when it originates in the Commons, there shall be three Commoners and two Lords; but I do not understand any reason for submitting the Bills to the House of Commons, as at present, under your scheme?—I am speaking of Private Bills brought into Parliament. You must have a Committee; if the Bill is in the Commons, instead of going to the Committee of the Commons, and then, if passed by them, going to a Committee of the Lords, I should have but one Committee; a joint Committee of the two Houses.

256. The present necessity for schemes going some to the Lords and some to the Commons is in consequence of the immense amount of business, and we think that it is an easier way of getting through the business, but under your scheme that necessity will no longer exist?—Yes, it will; I merely contemplate withdrawing unopposed schemes from Parliament, and submitting certain others, in the form of Provisional Orders, but there will still be a large number of Bills which will go forward in the ordinary way, and although there would be a considerably less discussion, if unrestricted competition in the construction of railways were allowed, there would still be a great number of open questions to be decided, and I do not think that you could have those questions decided more satisfactorily than by a Committee. I believe that the public would acquiesce in the decisions of such a Committee as I propose; the parties of course would be dissatisfied when they were beaten.

257. [Mr. *Lowe*.] Do you think it desirable that Private Acts of Parliament should contain clauses incorporating companies, or would you leave them to the general policy of the law of joint stock companies?—Seeing that we have hitherto adopted the course of incorporating the Companies Clauses Consolidation Act, I should think it probably convenient to go on with the same system.

258. For instance, a company may sometimes apply for an Act of Parliament mainly with the view of eluding the conditions of the Joint Stock Companies' Act, may it not; I have seen such cases suggested lately in the papers; I mean avoiding a power of inquiry which the Board of Trade has in certain classes of cases of that sort, certain restrictions?—I have heard of such things.

259. As a general rule, do you think it desirable for Parliament to be devising new constitutions for companies in Private Acts, or do you think that they would do wisely to leave them to the general policy of the law, merely providing those clauses which that law did not give; such as clauses for taking property compulsorily, and so on?—I think that the latter course is advisable, but seeing that all existing railway companies have been constituted under the Companies Clauses Act, which was passed before the Act now regulating joint stock companies in general, there is a certain convenience in letting them go on. At present, as you are aware, in cases of joint stock companies, parties are left to frame their own constitution, and you might perhaps adopt that system with regard to future railway companies.

260. It would save a great deal of legislation, and would reduce the bulk of Acts?—Yes; but if those clauses are now merely set out by incorporation, much would not be saved in bulk.

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261. Mr. *Puller.*] What substantial distinction is there between the class of measures to which there is only a partial opposition, that is to say, an opposition of less than one-fourth of the landowners affected, and measures to which there is more general opposition, if in both cases the Committee to whom the Bill is referred are to be precluded from going into the general merits of the scheme?—The distinction would be only in the manner of proceeding. Where there is a large proportion of landowners assenting, I propose that the scheme be sanctioned by a provisional order, and that provisional order will be scheduled to a General Bill; and supposing that any opposition is made to it, it will be referred to a Select Committee. When the Select Committee comes to deal with it, it will be found that the objections are made on the part of landowners, or on the part of road trustees, and others concerned with public works which are interfered with. The Committee would deal with those questions just as it would deal with questions arising upon any other Bill brought before it. With respect to the objections of landowners, I have suggested that they should be confined to showing the residential damage done to them, and that they should not be allowed to question the preamble of the Bill. I would observe the same rule with regard to trustees, and others, having the control of public works, that is, I would confine their objections to the injury done to their works by the proposed line. All other Bills would go on as heretofore; and the change which I have suggested is that you should not listen to an opposition on the ground of competition; that would apply to both cases.

262. On engineering defects?—Not unless affecting the land or works of the objectors.

263. Or the improbability of financial success?—I would withdraw all those questions.

264. Then, I want to know what is the substantial difference between the two classes of Bills; what good is there in the Provisional Order?—It would be a great encouragement to the making of the line. When a large proportion of the landowners were assenting, the opposition would, in a great number of cases, be conciliated, and it would be found that it did not go any further. When a railway company found that they could not fight behind the back of a landowner, the landowner probably would not petition against the measure, and there would be no opposition, and so with regard to road trustees; but the other cases, where they were really contested matters, would go before the Committee as heretofore.

Lunæ, 16° *die Martii*, 1863.

MEMBERS PRESENT:

Mr. Adair.	Mr. Massey.
Mr. E. P. Bouverie.	Colonel Wilson Patten.
Mr. C. Forster.	Mr. Paull.
Mr. Milner Gibson.	Mr. Puller.
Mr. R. Hodgson.	Mr. Whalley.
Mr. Liddle.	Mr. Walpole.
Mr. Lowe.	

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

James Booth, Esq., called in; and further Examined.

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265. Mr. *Lowe.*] YOUR department, I believe, reports to the House on every Private Bill, does it not?—Not on every Private Bill, but on every Railway or Canal Bill, or Bill affecting tidal waters.

266. How did that reporting originate?—After the repeal of the Act constituting the Railway Commissioners, and the transfer of their duties to the Board of Trade, at the close of 1851, the Board of Trade, I rather think, on the request of the then Chairman of Ways and Means, in the Sessions 1852 and 1853, furnished to him in M.S. reports upon the Railway Bills, and they sent copies of these to the Chairman of Committees of the House of Lords.

267. Colonel *Wilson Patten.*] Was not it in consequence of a Standing Order of the House?—I do not think that there was any Standing Order requiring any Report. In the Report of the Committee on Railway and Canal Bills of 1853, it was suggested that the Board of Trade might usefully make such Reports; and since that time we have reported in compliance with an Order of the House, which has been made at the beginning of each Session.

268. Mr. *Lowe.*] How long has this practice been in operation?—It was recommended in the Report of the Committee on Railway and Canal Bills, in 1853, that we should make such Reports, but we had made them before that time, as I have stated, but not under any Order of the House.

269. What is understood to be the object of those Reports; for what purpose are they made?—I understand them to be made in order to call the attention of the Committees to departures from what has been the practice of Parliament with reference to Railway Bills in past Sessions; and to alteration of the general law by provisions introduced for the first time, and matters of that kind; also to call attention to the recommendations of Select Committees on Railway Bills, and to provisions at variance with the Standing Orders.

270. Do you consider that these are useful documents?—I should think that they have had a considerable effect in keeping the railway legislation in a more uniform condition than otherwise would have been the case.

271. You think that they are an assistance to the Private Committees of this House in the transaction of their business?—I think that they are, and I think also that they have a considerable effect with Parliamentary agents. I think that they make it less easy to evade the provisions of the General Acts than otherwise it might be.

272. Do you think that the Board of Trade is the proper body to make those Reports?—I am not sure that it would not be more fitting that they should be made by some officer of the House, as was the case with the Breviates, which were made by myself, in which those Reports originated.

273. Were they made by you when you were an officer of the House?—They were made by me when I was Counsel to the Speaker.

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274. Why do you think that it would be more proper that they should now be made by an officer of the House than by the Board of Trade?—I should think that the House ought to be informed by an officer of its own, whether clauses which are introduced into Railway Bills are at variance with the Standing Orders, or whether they are at variance with the previous practice of the Houses upon these Bills; it does not seem to me to be the business of a department to point that out.

275. You think it more becoming the dignity of the House that it should be informed be its own officers than by a public department?—I think that it would be more suitable.

276. Do you see any practical inconvenience in the Board of Trade making those reports?—None other than that it imposes rather a heavy and responsible duty upon a department which is sufficiently worked without it.

277. Mr. *Massey*.] Do these Reports contain any information wholly within the knowledge of the Board of Trade, and which is not within the means of access of the Speaker's Counsel, or any other officer of the House?—I think not further than this, that the department being charged, in some respects, with the supervision of railways and railway companies, they are familiar with all matters relating to railways, and the previous legislation upon the subject.

278. Colonel *Wilson Patten*.] In your Reports do you give a sketch of the scheme to which each railway belongs?—Yes; we give an outline of the objects of the Bill, what railways it sanctions, what amalgamations, wha ttraffic arrangements, what capital arrangements, and the like.

279. Is not that a subject which is more within the province of the Board of Trade than it would be of an officer of this House?—That is merely stating what is the effect of the Bill.

280. But that is very useful?—I do not mean to say that it is not useful, but we have no particular knowledge of what is contained in the Bill; that may be acquired by any competent person who undertakes the labour of reading it; I do not mean at all to complain of this duty being thrown upon the Board of Trade.

281. Do you not think that information with regard to the scheme to which each railway belongs is more within the province of the Board of Trade than it is of any officer of this House?—I think so.

282. Do you not think that an officer of this House would have very great difficulty in keeping before him the general schemes of railways in the country?—I should assume that any officer, who might be charged by the House with that duty, would make it his business to be familiar with all the Railway Acts which were passed, so as to be quite conversant with the previous legislation on the subject; and there would be some advantages in this duty being discharged by an officer of the House, because he would be always present, and the Chairmen of Committees would have an opportunity of daily communicating with him. It may be in the recollection of the honourable Member that I had a great deal of communication with the Chairmen of Committees when I was an officer of the House.

283. Would it be possible for any individual officer, whose office was likely to be vacant from time to time, and who had no staff to support him, to keep up the general information with regard to railways, which the Board of Trade is enabled to do?—I should suppose that an officer of that kind would be a permanent officer of the House; somewhat in the position of Mr. Rickards.

284. Have you found from your experience that the Reports of the Board of Trade have been much attended to by Committees?—How much they have been attended to by Committees, I do not know; but I know that they have been a good deal attended to by Parliamentary agents.

285. Will you state any other matters which you are in the habit of comprising in your Reports besides the general scheme?—We call attention to evasions of Consolidation Acts; to departures from the Standing Orders; any novel departure from the general law of the country; and any departure from the previous practice of the Legislature in the like cases.

286. Upon those particular points, when you have seen the Acts as they have passed through Parliament, have you generally found that your recommendations have been attended to, or the reverse?—We have very often found that our suggestions have been attended to, whether by direction of the Committees, or on the action of the Parliamentary agents alone, I do not know.

287. But

287. But your opinion is, that, speaking generally, your Reports have a very good effect on railway legislation?—I think that they have.

288. Mr. *Lowe.*] Have you found that those Reports have ever brought the Board of Trade into unpleasant collision with parties before the Committee?—I have no recollection of any such occasion with reference to a Railway Bill.

289. Mr. *Puller.*] Does the preparation of those Reports require any assistance from engineers or any matter of that sort?—No.

290. You prepare maps, do you not?—These Reports are founded merely upon what is contained in the Bill itself or the deposited plans, or upon information in the possession of the Board of Trade, from previous legislation with reference to the same Railway Company.

291. The General Report of this year contains a map of all the railways coming into London; that is prepared by the Board of Trade?—Yes; we have usually of late years annexed to our General Report upon the Bills a sketch of the railway schemes affecting the metropolis.

292. That is prepared in the office?—It is prepared by a draughtsman in the office.

293. Mr. *Liddell.*] Am I to understand you to say that the Speaker's Counsel has no longer any cognizance of Railway or Canal Bills, either previously or subsequently to their examination by the Board of Trade?—I have said nothing of the kind; I do not exactly understand what the duties are which are discharged by the Speaker's Counsel at present.

294. You said I think that a part of the duty of the Board of Trade was to see that the Standing Orders of the House of Commons have been complied with in framing those Bills?—I do not consider that it is a part of their duty, but if we observe any provision in a Bill which is at variance with the Standing Orders, we think it right to call the attention of the House to that fact.

295. The Standing Orders are regulations framed by the House for the conduct of its own business; they are not binding upon any department, and no other department need be cognizant of those Standing Orders?—They are binding upon the Committee, and we think it useful to call the attention of the Committee to the fact, that a departure from the Standing Orders is intended.

296. Is it not natural to suppose that the House of Commons is the best judge of the working of its own Standing Orders, and ought solely to take cognizance of the observance of those Standing Orders?—I certainly think it very desirable that without the assistance of the Board of Trade, the Committees of the House should be able to take cognizance of its Standing Orders

297. Mr. *R. Hodgson.*] Is it your opinion that where a departure from the usual policy of Parliament occurs in a Private Bill submitted to Parliament, it is better that notice of that departure should come from the Board of Trade than from an officer of the House of Commons, such as the Speaker's Counsel?—I think it is very desirable that the attention of Committees, and of the House, should be called to any departure from previous legislation, but that might be done as well by an officer of the House who is conversant with the matter, as by an officer of the Board of Trade.

298. Mr. *C. Forster.*] Have you found that the Reports of the Board of Trade have generally been borne out by the decision of the Committees upon the question of departure from the Standing Orders?—I have found that on many occasions the Bills have been altered in conformity with suggestions made in those Reports of the Board of Trade.

299. Mr. *Adair.*] The Board of Trade never in any of theirReports, either in their first General Report to the House, or in their Reports to the respective Committees, express any opinion upon the merits of the Bill?—We desire to abstain from doing so.

300. Their reports are simply technical, and for the purpose of assisting the Chairman, in case he should overlook any departure from the Standing Orders, or should not observe any unusual provision?—Exactly so.

301. Mr. *Puller.*] Does this work occupy the time of any superior officer of the Board of Trade, except yourself?—Yes; I have very able assistance from our legal assistant, Mr. Fane, in preparing the Reports; indeed the labouring oar is taken by him; it would be quite out of my power to give the necessary time.

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302. Have you any other occupation at the Board of Trade besides this?—I am Secretary to the Board of Trade.

303. You are not confined to this part of the work?—No.

304. Mr. *Whalley.*] With reference to the part of your scheme, which relates to the unopposed Bills, will you state by what means you propose to ascertain whether opposition exists to any given railway?—By advertisement.

305. Merely by advertisment?—Merely by advertisement.

306. Advertisement of the scheme, as at present?—Yes.

307. How do you propose to deal with those questions, which are analagous to the questions of *locus standi*, before the Committee. Supposing that parties who have no right to be heard should offer opposition, how are you to decide whether that kind of opposition is one which should be recognised, or should be disregarded, and the Bill be treated as unopposed?—I contemplate that the opposition which the Board of Trade is to entertain would be indicated in the Act which I propose should be passed.

308. Do you think that any Act can lay down rules which will not require some tribunal to decide upon their application to the particular cases?—I think that an Act may provide that if there is no opposition of any landowner, or of any public body charged with any works which will be affected by the line, then the Board of Trade may issue their certificate.

309. Cannot you contemplate a ground of opposition in the interest of the public as well as in a private interest, very different from any which you have mentioned; for instance, take a case with which I am familiar, namely, that it is proposed to make a railway between two points, each of these points being the terminus of a long system of railways, and that it is expedient to unite those two systems of railway between those two points; cannot you imagine that although there are neither landowners, nor parties immediately interested, it may be of very great importance to the public interests that they should be heard in opposition to, or in support of, the measure?—I have not contemplated that the Act should provide that parties of that sort should be heard.

310. Then, in fact, you think that it is not necessary to establish any tribunal other than for the mere clerical duties of receiving letters, and issuing certificates, and so forth, and that there is no necessity for a tribunal for the purpose of settling questions of *locus standi*, or in other words, a claim to be heard in opposition?—I should not think it necessary to establish any such tribunal as that which you seem to contemplate.

311. How do you propose to ascertain in such cases that the plans and surveys have been accurately made; I refer to that part of the business which is analagous to the examination upon Standing Orders before the Examiner; in what way do you propose to ascertain the accuracy of the plans and surveys; that on the one hand they are sufficiently accurate to enable the promoters to complete the work when sanctioned, and that on the other hand they do not needlessly give them more power than is required over the lands through which they pass?—I think that, unless objection was made to some portion of the plan by some landowner whose lands were affected, or by some body charged with the supervision of public works, whose works were affected, it would not be necessary to enter into any investigation of that sort.

312. With reference to those classes of railways which are opposed, and which, I understand you, should be referred to a Select Committee of the House, how do you propose to distinguish those cases which I understand you to say are to be known as being partially opposed, and the objections to which are to be confined to landowners speaking in defence of their own private interests, from those cases which are opposed on more general grounds?—Those cases would be distinguished by the terms of the Act; the Act would provide that if, in consequence of the advertisements which were issued, a landowner or persons charged with the care of public works offered any opposition, then the scheme would be sanctioned only by a provisional order to be scheduled in a Public Bill, to be brought in by the Department.

313. Suppose that a landowner objected to the line on the ground that it interfered injuriously with his property, and also on the ground that it was not necessary, or that being necessary it should go in some other direction; how would you refer that case; would you allow that landowner to be heard upon the general merits of the scheme, upon the preamble in fact, or would you confine him simply to the injury done to his own property?—I did not propose

that he should be heard generally upon the preamble. I proposed that he should be confined to his own special case, and that he should call in question the preamble only in so far as the special circumstances of his own case entitled him to do so.

314. Whatever the grounds of the distinction may be, you do not consider that it would be necessary to establish any tribunal for the purpose of classifying those cases before the Bills came before Parliament?—No, I do not think anything of that kind necessary.

315. Does it accord with your experience, that the Committees would regard resolutions which would have the effect of limiting a landowner in such a case as I have mentioned. Supposing that a landowner comes before a Committee and states—" This line will injure my property in the first place, and in the next place it is a perfectly wild and unnecessary scheme;" does it accord with your experience that the Committee could by any Standing Order or Resolution, or by any means which you can suggest, be prevented from allowing that landowner to go into the whole merits of the question?—Yes, I think that by Standing Orders properly framed, the Committee might in that respect be restricted.

316. Do you propose that that obligation should be effected by means of Standing Orders, or by Act of Parliament?—It might be done partly by an Act of Parliament, and partly by Standing Orders. Probably, Standing Orders would be the more fitting, as they might be varied from time to time.

317. With reference to the joint Committee which you have proposed of Peers and Commoners, do you propose that it shall be established by Act of Parliament, in the same way as Election Committees are established, or by the Standing Orders of each House of Parliament, capable of being altered by each House at their discretion?—By Standing Orders as at present.

318. Assuming that uniformity of practice in these matters, which was mentioned so prominently in Mr. Cardwell's resolution of 1853, is still a desideratum, what reasons can you offer for supposing that a joint Committee, such as you propose, would be more uniform in its practice, or that it would be less a lottery as to what its decision would be in any given case, than with the Committees as now constituted, bearing in mind that the Committee would be a fluctuating body as at present?—I do not mean to say that the Committee would be a perfect tribunal for the consideration and decision of the cases coming before it, but I believe that, under all the circumstances, it is the best which you can find.

319. What reason have you for supposing that it would be any better than either of the two Committees before which the project is now brought, namely, a Committee of the Commons and a Committee of the Lords; why would a joint Committee be more uniform in its practice, or, in fact, remedy any of the defects which we are now called upon to investigate?—I did not say that it would be more uniform in its practice.

320. Do you not think that uniformity in practice, with regard to laying down principles, and the mode of applying them to this business, is expedient?—I think it is desirable that there should be as much uniformity as possible.

321. Do you think that there is any improvement in that respect, since you gave your evidence in 1858?—I am not able to say.

322. Again, with reference to the question of expense, can you offer any reasons why the course of proceedings before a joint Committee of the kind which you suggest would be attended with any diminution of expense further than in so far as there would be no possibility of a second inquiry, as at present, that second inquiry being generally comparatively inexpensive?—My object would be to save the expense of a second inquiry, which I believe to be considerable.

323. You have no other advantages to suggest, as arising from the joint Committee which you proposed at the last meeting?—That was the advantage which I contemplated.

324. Is that the only one?—That was the only one which I had in view.

325. In your evidence in 1858, I think you stated that you concurred in the evidence which had been just previously given on that occasion by Captain Galton; do you adhere to that statement?—It was a very large question for the Committee to ask me, whether or not I concurred in the evidence which

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had been given during the last three hours by Captain Galton. There was a good deal of it in which I concurred. There was a good deal which certainly seemed to me to require consideration; but it was quite impossible that I could then go into any exact statement how far I concurred with him, or the contrary.

326. Do you adhere to the evidence which you yourself gave on that occasion?—I do.

327. Have you read the evidence which was given, subsequently to that given by yourself, by Mr. Becket Denison before Colonel Patten's Committee?—I looked through Mr. Becket Denison's evidence, I think, but it is a long time ago.

328. So far as you can call to mind, do you agree with that evidence?—I really am not able to say how far I agree with it.

329. Have you read the evidence given by the other gentlemen on that occasion?—Which other gentlemen?

330. Mr. Rickards, for instance, and Mr. Hope Scott, and Mr. Serjeant Wrangham, and various other gentlemen who gave their evidence?—I have certainly read some part of it; I cannot undertake to say that I have read the whole.

331. You give the same answer as to that evidence, namely, that you have no precise recollection whether you agree with those gentlemen or not?—Yes.

332. Have you read a paper which has been handed to the Members of the Committee, I think since their last meeting, prepared by Mr. Rickards?—I have not read that paper.

333. Mr. *Paull.*] With reference to the outline of your Bill which you suggested to us at our last meeting, might it not be better to limit its operation to cases where compulsory powers to take land are not sought?—I think that that is a very fair matter for consideration. On the whole, I prefer the scheme as I have suggested it. I have considered that point.

334. Mr. *R. Hodgson.*] It was suggested to you on Thursday last that the almost unrestricted power to railway companies to construct railways might lead to the construction of block lines; that is to say, lines promoted by companies for the purpose of filling up a district and blocking the intercourse. In addition to the remedy which you suggest, do you think that it would be advisable to create a further remedy by a general compulsory system of this booking and this invoicing between railways continuous with one another?—I am not prepared to say whether you could introduce a scheme of that sort; that would, in fact, be an amendment of the Railways and Canals Traffic Act brought in by Mr. Cardwell.

335. Do you think that that would protect the public from the evils of a block line being constructed by railway companies with greater ease by means of your new scheme?—I have not sufficient experience of the working of railways to be able to give an opinion whether any system of that sort could be introduced which would be practicable.

336. Mr. *C. Forster.*] Is it the practice of the Board of Trade, before presenting their Reports, to have a preliminary inquiry on the spot by means of inspectors?—By no means; we go entirely upon the information which is furnished to us by the Bill, or by previous legislation on the same subject.

337. Mr. *E. P. Bouverie.*] Has Mr. Cardwell's Act had any or much practical operation?—I believe that it has had considerable effect.

338. Mr. *Lowe.*] Do you know how many orders have been made under it?—To what order does the question refer?

339. I allude to the companies going to the Court of Common Pleas?—There have been several proceedings in the Court of Common Pleas, but what number I do not know.

340. Have all the applications been refused?—I am not aware that that is so.

341. Have you the means in your office of ascertaining that fact?—No, that will appear in the law reports.

342. Colonel *Wilson Patten.*] Is not the answer which you have given to the Honourable Member for Walsall, namely, that you do not make preliminary inquiries on the spot, subject to a limitation; have you not now the same duties to perform which the Admiralty had formerly?—Yes; with reference to the interference with tidal waters we have the powers which the Admiralty had.

and

and therefore there is some propriety in our there making a preliminary inquiry. There we require information, because we act upon our own inquiry; but the preliminary inquiry to which I have always objected is an inquiry where the persons who inquire or who direct the inquiry, have no powers to act, and it is for some other persons to decide; when we inquire, it is for our own information, and with a view to our own action.

343. Mr. *Adair.*] Are you aware that the Judges of the Court of Common Pleas have more than one of them expressed their opinion that it is very desirable that infractions of Mr. Cardwell's Act should be heard by some other tribunal rather than the Court of Common Pleas?—It does not happen to me to know that.

George K. Rickards, Esq., called in; and Examined.

344. *Chairman.*] YOU are Counsel to the Speaker?—I am.

345. Have you heard that there are complaints of the expensiveness of the present system of Private Bill legislation?—I have.

346. Do you consider that those complaints as to the costliness of Private Bill legislation are well founded?—Yes, I think they are.

347. Supposing the present system to be in the main adhered to, can you suggest to the Committee any mode of lessening the expenses of Private Bill legislation, and lessening the labours of the Committees of the two Houses?—I think that it may be possible to lessen the expenses in some respects. I do not think that the expenses can be materially lessened under the present system, because they arise from the nature of the tribunal; and I do not think that they admit of any great reduction; but in some details they might be reduced.

348. Will you mention to the Committee those details in which you think that a reduction might take place?—I know that great complaint has been made of the amount of the fees charged by the two Houses of Parliament, and I think that those fees are in some respects excessive. The Committee are, perhaps, aware that the amount received from those fees supports, within a very small amount, the whole expenses of the establishment of the House of Commons, including those officers who are serviceable, not only for the department of private legislation, but for public business also; and I know that that is a matter of complaint with the parties interested in private legislation; they think it very hard that their Private Bills should be taxed to that extent to pay charges which they consider ought not be defrayed by those means; I think that it would be just to make some reduction in the scale of the fees paid to the House of Commons; and I may especially mention that part of the scale by which Bills are charged on an *ad valorem* principle according to the amount of capital which is proposed to be raised by the Bill. The Committee will see if they refer to that table that the rises in that table are numerous and very rapid, so that for a Bill by which it is proposed to raise a considerable amount of capital, the amount of the fee charged is very high indeed. I think that it would be just and reasonable that the fees should undergo revision, and that some reduction should be made in them, and especially in the *ad valorem* fees.

349. Can you illustrate what you say by any statement as to what would be the fee to be paid upon a given amount of capital, say 750,000 *l.*, for a Bill for making a railway?—The fees for the mere presentation of the Petition, and for the First, Second, and Third Readings, would amount to upwards of 500 *l.* on that Bill, exclusive of the daily fees charged for every day on which the Committee sits, and exclusive of several other fees, which will be found in the table. For the three readings alone and the Petition, the charges upon a Bill for raising 750,000 *l.* would be, I think, 520 *l.*

350. What would be the amount of the fee in the case of a capital of 40,000 *l.*?—For anything under 50,000 *l.* it is 65 *l.* altogether.

351. Mr. *Liddell.*] Who frames the scale of fees?—They are allowed by the Speaker.

352. *Chairman.*] You have mentioned the heavy fees as one cause of the great costliness of Private Bill legislation, what other matters increase the expenses of the present system?—The greatest expense of all are the professional charges, which of course go on multiplying according to the time for

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which the Committee sits; and as many of these investigations are very lengthy, the multiplication proceeds very rapidly. I think that it is extremely difficult to deal with those professional charges; it would be very difficult to enforce any rules which might be laid down. If the promoters are willing to pay, and the professional men are willing to receive, I think that it is exceedingly difficult by any rule which you may lay down to interfere effectively between them. I think, however, that as Parliament has established a machinery for taxing costs, and as the taxation of costs in Private Bills is under the jurisdiction of the Speaker, and subject to his regulation, it would be possible by some revision of the scale of costs allowed on taxation to effect a certain amount of reduction. The scale of costs allowed on taxation, I think, might be beneficially reduced in some points. I may instance one item in the solicitors' charges which mounts up very heavily indeed, and that is the charge for copies of the evidence given day by day before Committees. It has been stated in evidence before a Committee by Mr. Erskine May, that when he was Taxing Master a case occurred in which the charge for these copies of the transcript from the short-hand writer's notes amounted alone to as much as 130 *l.* a day. It is evident that when the Committee sits for many days together that is a very large item of cost. I believe that many of those copies are quite unnecessary, and that that is an item of charge which might be reduced by the Speaker restricting the allowance to a limited number of copies, and allowing a less rate per folio than is now allowed by the Taxing Master.

353. Mr. *E. P. Bouverie.*] What does the taxing officer now allow in the way of copies?—I do not know that there is any limit laid down to the number of copies which he may allow. I believe that the usual practice is for copies to be furnished to each of the counsel employed by the parties, also a copy for the use of the Committee, and a copy for the agent himself. Sometimes as many as four or five counsel are employed, and therefore as many as six or seven copies are made. I believe that the taxing officer would allow a number upon that scale, one for each counsel, and so on.

354. Mr. *R. Hodgson.*] Would it not have the effect of diminishing the expense, without limiting the number of copies, if a reduced amount was chargeable upon copies of evidence after the first two; at present the allowance is 8 *d.* per folio?—Yes.

355. If there are 20 copies of the evidence, 8 *d.* per folio is the charge of the Parliamentary agent or solicitor?—Yes.

356. Supposing 8 *d.* to be allowed for the first two copies, and that after that the taxing master only allowed 1½ *d.* or 2 *d.* per folio, would not it have the effect of diminishing the expense, without restricting those who wished to have a larger number of copies?—Yes, I think that it would have the same effect. That would leave no profit to the solicitor upon the extra copies.

357. *Chairman.*] The solicitor gives 2 *d.* a folio, and charges 8 *d.*?—Yes, I believe so.

358. The difference is his profit?—Yes.

359. And that is considered to be a remuneration for other labour, which is rather insufficiently remunerated?—That is the defence which I have heard made.

360. Mr. *R. Hodgson.*] That was the nature of the evidence before the Committee of last Session?—Yes; it is the solicitor who obtains that profit, and not the Parliamentary agent.

361. *Chairman.*] You have spoken of its being very difficult to touch the fees of counsel, who are paid by attendances?—Yes.

362. They are paid ten guineas a day, are they not?—Ten guineas for the day's attendance, and five guineas for consultation.

363. How long is the sitting of a Committee?—Nominally, four hours. There are some days, of course, on which it is not so much, when adjournments take place earlier, but the full day is four hours; perhaps often it does not exceed three and a half.

364. Supposing that it was practicable to lengthen the sitting of a Commitee, would not the proportion of counsel's expenses be considerably decreased indirectly by that mode?—It would, unless the counsel were to raise their fees in proportion.

365. Do you not think that the short period during which Committees sit tends

tends considerably to add to the expense of getting a Private Bill through Parliament?—I believe that that is the great cause of the enormous expense; I think that the expense is increased not only by the mere fact of the day's sitting being so short, but because a short day's work is not so effective as a long day's work *cæteris paribus*; I mean to say that two days of four hours are not so good for getting through business as one day of eight hours; it is a wasteful and an expensive system, I think, to hold short sittings.

366. In point of fact, by increasing the labours of Committees of the House in that way, you might diminish the expenses of the promoters of private undertakings?—You might; if there were no objection to increasing the labour, you might in that way diminish the expense; I believe that the experiment has been tried of increasing the length of the day's sitting; some Committees have attempted to begin their sittings at 11 o'clock, instead of 12; but great difficulties have been found in doing so, and I believe that almost all the Chairmen now have given up the attempt, and sit at the usual hour of 12.

367. What are the difficulties in that respect?—I believe, in the first place, the great unwillingness of the Members of the Committees to sit earlier; though the Chairmen have desired to prolong the sittings, I believe, that they have found difficulties in inducing the Members sitting with them to meet earlier than 12. Then professional men interpose impediments in the way; we know that sometimes a great number of Committees are sitting at the same time; the counsel, some of them attend before five or six Committees in a day, find themselves pressed for time, and they object to extending the sittings, and the solicitors and others, who are paid by the day, are naturally anxious not to have the day's work extended, so that all these interests conspire together with the unwillingness of the Members of the Committees against any attempt to increase the day's sittings.

368. Mr. *R. Hodgson.*] A counsel engaged in five or six cases in one day has probably a consultation to attend in each case before the Committee?—Before or after; generally before.

369. Upon each consultation the fee is five guineas, is it not?—Yes.

370. And the fee upon each attendance on those Committees is ten guineas?—Yes.

371. Do you think that it would tend to have the effect of limiting the expense with regard to counsels' fees if a regulation were made that no party should appear by more than two counsel before the same Committee?—I think that it would be very difficult to enforce any such regulation as that; the number of counsel who practise before Parliamentary Committees is limited, and the number of those counsel in whom peculiar confidence is felt is very small indeed; the number of Committees sitting at the same time is large; the difficulty of obtaining the services of competent counsel leads to parties retaining more counsel than they would otherwise require, lest they should find themselves destitute of counsel altogether; and I know that parties who retain four or five counsel sometimes find it very difficult to obtain the services of two or even of one.

372. Would a limitation of the number of counsel retained by each party before a Committee have the effect, in your opinion, of enlarging the number of counsel who would be employed throughout; a counsel, for instance, engaged in six, eight, or ten cases in one day can only be in one place at once, and therefore it is necessary for parties appearing before Committees to retain an extra number of counsel to be sure that they are not left without their favourite counsel?—Yes.

373. If parties were prohibited from appearing before Committees by more than two counsel, do you think that it would have the effect of enlarging the number of counsel employed by the parties before Committees, and so of diminishing the necessary expense?—As I understand it, that would be, in fact, increasing the Parliamentary Bar.

374. Yes?—I can hardly answer that question.

375. Colonel *Wilson Patten.*] Do you know what is the professional etiquette of the Parliamentary Bar with regard to fees; is any counsel allowed to take a fee less than 10 guineas?—No; certainly not.

376. That is the professional etiquette?—Quite so.

377. That whatever the standing of a counsel at the bar may be, if he is employed

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employed before a Parliamentary Committee, he at once has a fee of 10 guineas?—Yes; if he was called to the bar only the day before.

378. Supposing that a landowner, for instance, comes before a Parliamentary Committee to protect his interests; there, he has not the advantage which he would have in Westminster Hall of choosing any counsel he likes, but he is obliged to take a counsel to whom he has to pay a fee of 10 guineas a day, with five guineas for consultation?—He is obliged to do that.

379. Do you not think that, as regards a proportion of the business before Committees, it would be a great advantage if the same privilege was given to clients to select their counsel as is given to persons who have causes to be tried in Westminster Hall?—I must say, that I think it would be fair and reasonable that the etiquette of the Bar should be so far relaxed as to allow a junior counsel to take a less fee; I think that it would be to the advantage of the counsel, as well as to the advantage of the suitors.

380. I believe that the difference between the mode of remunerating counsel in Westminster Hall, and before Committees, is this; that in Westminster Hall the counsel takes the fee upon his brief?—His fee is marked upon the brief; but if the counsel does not consider that fee adequate, he is not obliged to take it.

381. Still whatever he does take must be the fee upon his brief?—Yes.

382. In the Parliamentary Committees there is a fee upon the brief in the first instance, but there is an additional fee per day?—There is; it is the same in the common law courts; if the case goes on to a second or a third day, then there is what is called a refresher, which is, in fact, an additional payment for the additional day.

383. Is that always so if the case goes on to a second day?— I do not mean to say that it is universal, but it is very general. I know that I have often received fees myself in that way, when cases have gone on. In the common law courts it certainly was the fact, when I was at the Bar, that if the case extended to a second or a third day refreshers were paid; not fixed sums, but certain fees as refreshers.

384. Mr. *Paull.*] Generally, is not the system of refreshers only when a case is a remanet, and goes over to another sitting?—That is one instance; but refreshers are also given if the case extends beyond what was expected when the brief was delivered.

385. Colonel *Wilson Patten.*] The system as practised in Westminster Hall, at any rate, has this effect, that it is the interest of the leading counsel there to consume as short a time as possible in his cause?—Yes, to earn his money as quickly as he can.

386. Without making any imputation against the members of the Bar before Committees of the House of Commons, is it not generally the case that it is the pecuniary interest of every person who appears before a Committee of the House of Commons to prolong the proceedings?—No doubt it is.

387. *Chairman.*] Do not the Committees of the House, by sitting for so short a period, materially assist in enabling the parties to prolong the proceedings?—I think so.

388. If the Committees would consent to sit as many hours during the week as the Courts of Law do, they would deprive the parties of the power of prolonging the proceedings as much as they now do?—Yes.

389. Colonel *Wilson Patten.*] Then you have this double disadvantage in the Committees of the House of Commons, that on the one hand you have the parties appearing before the Committee interested in prolonging the proceedings, and on the other hand the constitution of the Committee is such, that the members sitting on it have an interest in shortening their sittings?—Yes.

390. That is a double disadvantage to the parties whose cases are advocated before the Committee?—It is so.

391. Mr. *Paull.*] Is it not the interest of the other branch of the profession to continue the inquiry as long as they can?—Yes; they are equally paid daily fees.

392. Have you known counsel complained of by their clients because they have cut the cases short?—No, I have not known that.

393. Mr. *Adair.*] Would not it, in your opinion, shorten the number of days for which in the whole a Committee would sit, if the Committee had the power, without applying to the House, of hearing a counsel conclude his speech when he

he was addressing them at the time when the House went to prayers?—I think that it would greatly conduce to the saving of time if, as a general rule, a counsel were heard out at the same sitting after he had once commenced his speech.

394. Colonel *Wilson Patten.*] Do you know the process by which this system of paying larger fees in the House of Commons than are received in Westminster Hall has been arrived at?—I have understood that it was because the counsel were withdrawn from the other branches of practice, and because the period of their employment in the year was but short, and that therefore it was considered that they were entitled to a higher rate of payment.

395. Do you think that that is a sufficient reason for preventing parties who appear before Committees from availing themselves of the services of any barrister in Westminster Hall whom they may select?—No; as I said before I think that it would be but reasonable that the fee paid to a junior counsel should be a reasonable sum in consideration of the counsel's position at the Bar and his other engagements, and that it should not be one fixed uniform standard of ten guineas for eminent counsel and for junior counsel.

396. Mr. *R. Hodgson.*] Is that a matter which can be dealt with excepting by the profession?—I think that it cannot be dealt with except by the profession; I think that the only way in which you could get at it by any change is by prolonging the day's work; if you could sit for what I call a full day, at least six hours, in that way you would indirectly reduce the payments to counsel; but I do not think that you could enforce any direct reduction of their fees.

397. Colonel *Wilson Patten.*] What is the average fee to a young counsel in the Court of Queen's Bench?—It depends entirely upon the nature of the case.

398. Do you think that, on the average, the junior counsel have fees of five guineas in Wesminster Hall?—If it was an important case they would have that or more; I can hardly compare the two things; it depends entirely upon the length and importance of the case. Junior counsel often get more than five guineas, no doubt, but they much oftener get less; I should think that if a junior counsel makes his five guineas a day in Westminster Hall he does very well.

399. Do you know what is the lowest fee which a junior counsel has in Westminster Hall?—One guinea on a brief.

400. Mr. *Paull.*] As regards the consultation fee, do you know what the consultation fee of a Queen's counsel is in Westminster Hall?—Two or three guineas, I think.

401. Is the consultation fee of a junior counsel one guinea?—One guinea, or, it may be, two guineas.

402. Might not the rates which the Parliamentary taxing officer allows for consultation fees be reduced to two guineas and one guinea respectively?—Yes; you might lay down such a scale, but I do not think that it would effect the object. I think that if counsel refused to be employed at a lower rate than they had fixed, you could not compel them to take lower fees.

403. Do you not think that if it became known that the Taxing Master would only allow two guineas for a consultation fee to the senior, and one guinea to the junior, before very long, sooner than be excluded altogether from the practice before Committees, the consultation fees would be reduced to two guineas and one guinea?—No, I think not. I should mention that the number of cases in which taxation actually takes place is extremely small; they are very few and exceptional.

404. Mr. *Adair.*] Taxation is the exception rather than the rule?—It is quite the exception.

405. Mr. *R. Hodgson.*] The Committee are not to understand that in Parliamentary practice the fees to junior counsel on their briefs are uniform with the fees paid to leading counsel on their briefs?—No, the fee on the brief is not the same, but the daily fee and the consultation fee are the same; the fee upon the brief varies very greatly.

406. Would not the effect of reducing the consultation fees to all the counsel be that the sum paid upon the brief would be larger than at present?—I do not know whether that result would take place, but I do not think that it would be possible to enforce a reduction of counsels' fees at all. The counsel would stand by one another, and they would refuse to take lower fees.

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407. Mr. *Forster.*] Do you not think that there are a number of the junior members of the Bar now prevented from taking a smaller fee, who would practice at the Parliamentary Bar if lower fees were received?—I think that before any change could be made there would be a meeting of the Bar to consider the question, and that the majority at that meeting would bind the rest, and that any one who refused to conform to the rule laid down would be sent to Coventry; and I think that the probable result of such a meeting would be to determine to maintain the existing fees.

408. Do you think that the majority of the Bar would support the present scale?—I think that the influence of the leaders of the Bar would probably prevail to induce them to maintain the present system.

409. Mr. *R. Hodgson.*] Would it be a meeting of the counsel employed in Parliamentary practice only, or would it be a general meeting of the Bar?—I should think that it would be a general meeting of the Bar, because the Parliamentary Bar is not a strictly defined body, but counsel are taken in from Westminster Hall indiscriminately to practice in Parliament.

410. The general members of the Bar would decide what were the proper fees to be received as a matter of etiquette by the counsel practising before Parliamentary Committees?—Yes, I think that it would be decided at a general conclave of the Bar, and not exclusively the Parliamentary Bar; but I think, at the same time, that the opinions and voice of the leaders of the Parliamentary Bar would have a very great influence at such a meeting, and would probably prevail.

411. *Chairman.*] I think you are of opinion that the concentration of all the Private Bill business of the year into the few months during which Parliament sits has also a tendency to increase expense; will you explain how it operates in that way?—In the first place, I think that that is the cause of the retaining of so large a number of counsel. The uncertainty of being able to secure the services of experienced counsel whom it is desired to retain causes a sort of scramble for counsel, and to secure themselves against being left without the counsel they desire, the parties retain more counsel than they otherwise would retain. The number of counsel necessary to conduct the case would, perhaps, be only two; but the parties will retain four or five in order that they may be sure of one or two.

412. Do you think that the Committees allow much unnecessary evidence to be given, and that in that way the proceedings are prolonged?—Yes; I think that that is the inevitable consequence of having an unprofessional tribunal, a tribunal which is not experienced or accustomed to judicial inquiries. A Committee allow the counsel a much greater latitude than a judge would allow, and they permit a good deal of irrelevant evidence to be given. An experienced judge who feels himself master of his business is able to control in a great degree the counsel who practice before them, to confine them to the precise issue, and to restrain irrelevant evidence. I think that the Commiteees from their inexperience of judicial inquiries do not venture to do that, and that that they allow a great deal of unnecessary evidence to be gone into.

413. Is not there a difference between law making and the administration of the law. In the administration of the law you may, perhaps with safety, be more precise and vigorous in your rules with regard to evidence, than you probably would be in making a new law, which is the business of the Members of Parliament?—I think that the duty which the House delegates to a Select Committee on Private Bills is mainly a judicial duty.

414. But it is partly legislative, is it not?—The object is to obtain the materials for coming to a legislative decision; but it is in shape and form judicial. The facts are proved by witnesses, just in the same manner as in any trial in the Court of Queen's Bench, and it is in the proof of those facts that I think unnecessary evidence is allowed, and unnecessary length permitted.

415. Mr. *Paull.*] Would it not be advantageous to exclude all hearsay evidence?—I am not sure that it would.

416. To swear every witness, and to confine him to the facts which he speaks to of his own knowledge?—That rule, I apprehend, is generally observed; it is not adhered to, but it is professed to be observed, I believe, in Committees.

417. Mr. *Whalley.*] You have enumerated several causes of the expenses attending the present system, namely, the shortness of the hours of sitting, the professional

professional charges, and lastly, the inexperience of the Committees in investigating these matters. Do you not consider that the last cause of expense is the greatest?—I think that it is one of the greatest. I think that the short sittings, perhaps, are the most prodigal of time and expense.

418. Having regard to the nature of the tribunal, do you anticipate any better result from efforts to lengthen those sittings even on the part of the Members of the Committee, inconvenience being occasioned to them, than has attended the previous efforts; do you think that anything which this Committee can do will be more successful than the efforts which have been made by the Chairman?—No, I am not sanguine in believing that any considerable improvement could be made on the present system.

419. Do you hold out to the Committee that any material reduction can be effected in the professional expenses?—I do not.

420. Can you mention in your experience any instance of a court attempting, except by the taxation of its costs, to limit the amount of fees paid to the practitioners before the Court?—I think that any attempt to interfere between the suitor and his professional adviser, especially in cases where the parties are dealing with money which is not their own, would be very difficult indeed.

421. Are you not aware that, even with the present high rate of charges, very large extra fees are occasionally paid to leading counsel, such as Mr. Hope Scott, beyond the daily fee of 10 guineas and five guineas?—No, I am not aware that anything is paid, except the fee marked on the brief, and the 10 guineas and five guineas.

422. It would be in the form of a fee marked on the brief?—I know that some very high fees are marked on the brief.

423. Assuming that the present system is continued, do you not think that it is of considerable importance to maintain as the professional men engaged in it a high class of gentlemen, and that they should be rewarded handsomely?—Yes; I think it quite right that that should be so.

424. Upon the whole, do you think that the professional men now engaged, having regard to their status and profession as barristers and as solicitors, and the responsibilities attached to them, are too highly remunerated?—That is a delicate question to answer; it requires that I should form an estimate of the deserts of individuals, which I hardly feel justified in doing.

425. Mr. *Liddell.*] Are the Parliamentary agents under any control?—Yes, they are under the immediate control of the Speaker.

426. Is their number limited by the Speaker?—No.

427. Any number of persons may act as Parliamentary agents?—Any man may become a Parliamentary agent.

428. Mr. *Adair.*] Without any previous examination of an inn or society?—Without any; he pays a certain fee, and his name is put down in a book, and then he is a Parliamentary agent.

429. Mr. *Liddell.*] But the charges of the Parliamentary agents are regulated by the Speaker?—The charges to be allowed on taxation are regulated by the Speaker.

430. Mr. *C. Forster.*] I suppose that for mal-practice they are struck off by the Speaker?—Certainly, an agent might be so dealt with; the Speaker could at once strike him off.

431. Have there been instances of that?—I believe so.

432. Mr. *Paull.*] Are not Parliamentary agents allowed double fees as compared with solicitors; where an ordinary solicitor would charge 6 *s.* 8 *d.*, does not a Parliamentary agent ask 13 *s.* 4 *d.*?—As with counsel, so with solicitors and Parliamentary agents, the daily payments are on a higher scale (I do not know whether they are double) in the Parliamentary court than they are in any other court.

433. Persons may become Parliamentary agents, whether they are professional or unprofessional men?—Yes.

434. Would not the Parliamentary bar be largely increased if that limited number of Parliamentary agents were done away with, and the practice before Parliament opened to all solicitors?—It is open.

435. Mr. *Puller.*] You have expressed an opinion that the only way which you see of diminishing the expense is by lengthening the day's sitting?—Yes.

436. Might not the same result be brought about in another way, if you

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could diminish the amount of work to be done before the Committee?—That would be another mode of reducing the expense.

437. Is not much the largest share of the work done by Committees now, the examination of witnesses?—Yes.

438. Supposing that instead of the present mode of taking evidence, the course was adopted, which has in the last few years been very much adopted in the Court of Chancery, namely, taking evidence by affidavit, would not that diminish the work to be done before the Committee?—Yes, it would diminish the time occupied before the Committee, undoubtedly.

439. Suppose that this course is adopted: we will say that the promoters of the Bill file affidavits in support of their case, and that, as is now the practice in the Court of Chancery, when a decree is taken upon motion, the opponents of the Bill having seen those affidavits file counter affidavits, and that then the promoters are allowed to file affidavits strictly in reply, and that then at the hearing of the case the counsel for each side read such parts of the evidence as they think will make for their case, will not the work be got through much more quickly before the Committee than it is by the practice of examining witnesses, which is pursued at present?—I think that that would shorten the work before the Committee; but then I cannot say that I think it would be nearly as efficient a mode of conducting the inquiry as at present.

440. That is another point; but still, so far it is a mode which is found satisfactory in the Court of Chancery. Supposing that you gave each party the right of pointing out any witnesses whom they wished to cross-examine *vivâ voce*, would not that, although it would to some degree diminish the saving of time, still effect a considerable saving of time, and remove the objection which might be felt to withdrawing the witnesses altogether from the Committee?—Yes, that would be the result. Independently of the question of efficiency, I think that the proof by affidavit would save time, assuming that the Members of the Committee took the affidavits home with them and read them privately.

441. Supposing that these affidavits were printed as they are now in the Court of Chancery, would the expense, in your opinion, be greater than is now incurred by the copies of the shorthand writers' notes, and the employment of the shorthand writer?—I think that it would not be so great as it is now.

442. In that case every Member of the Committee might have a copy of the affidavits before him while those affidavits were being read by the counsel?—Yes.

443. And he would be able to refer back from time to time to evidence which had been previously commented upon and read, much more easily than he can now do, when perhaps he has taken very imperfect notes; and it is very often difficult to find the particular evidence in the shorthand writer's notes?—Yes.

444. Mr. *Paull.*] Is there not a course in the common law courts in which the parties agree to draw up a statement which is submitted to the whole Court in Banco, and which is called a case stated for the opinion of the Court?—That is where the facts are ascertained, and the opinion of the Court is required on those facts.

445. Might not the inquiry be made out of doors, either by the Board of Trade, or some other tribunal, and then a case be stated for the opinion of the Committee?—That involves the question of the tribunal out of doors which is to try the case; it is a question whether it would be equally efficient, and whether it would be as expeditious, by having two inquiries; it opens rather a wide question.

446. Mr. *Adair.*] Under any circumstances, in a case stated for the opinion of the Court, the facts are admitted, I believe, as ascertained?—Yes.

447. Mr. *Whalley.*] With respect to affidavits, does it accord with your knowledge that the present system of affidavits in the Court of Chancery is satisfactory?—I have had no experience of the matter.

448. Another mode of ascertaining the facts which is known to the common law of this country, is under a writ of *ad quod damnum*; in cases where land was required for public purposes, such as a road, or it might have been a railway, if such had existed at the time when that writ was of much use; or in the granting of franchises by the Crown, where land was required for public purposes, it was customary to issue a writ of *ad quod damnum*, and that writ required

required the sheriff to summon a jury upon the spot to ascertain what was the amount of compensation to be allowed to persons whose land was taken, and also to inquire generally into the expediency of the public work for which it was taken; are you familiar with that writ?—No, I have never had any experience of it.

449. You are aware that there is such a process known to the common law?—Yes, but I have not had any experience of it.

450. Do you think that something analogous to that would be a practicable mode of ascertaining the facts for legislation with reference to railways?—Do you mean by means of the verdict of a jury?

451. By means of a local investigation, whether by the verdict of a jury or otherwise?—My opinion is not in favour of local investigations; I am inclined to think that a local investigation would not be effective, and that it would not be final; that you must have some further proceeding, and that then the two investigations together would produce no saving of expense, but rather the contrary.

452. Have you any knowledge of the proceedings under the Inclosure Acts?—No, I have had no experience in those proceedings.

453. *Chairman.*] You are of opinion, I think, that a saving may be effected in the expense of unopposed Bills by dispensing with some of the proceedings which are now gone through, and which you think are practically unnecessary?—Yes.

454. Will you explain to the Committee what change you would propose?—There are certain Bills every Session which meet with no opposition in either House of Parliament; I think it is quite unnecessary that those Bills should be referred to two Select Committees, one in each House, for investigation; there being no opposition, there is nothing to refer to the Committee which makes it worth while to go through that process. I therefore suggested some time ago to the Chairman of Ways and Means that in those cases where a Bill came down from the House of Lords, having been unopposed in that House, and not being petitioned against in this House, it would be expedient that that Bill should proceed from a second to a third reading without going through the stage of a Committee. As I am in the habit of attending the Committee of Ways and Means, which deals with unopposed Bills, I know by experience that the process of the Committee with those unopposed Bills is a mere form. The Committee sit, the parties appear before them, and there is some expense incurred. Witnesses must be produced to prove the preamble; there are fees to be paid to the House upon the committal, upon the report, and upon the consideration of the report; and I look upon it as an idle and expensive form. I therefore drew up a Standing Order to carry out this proposition, that in cases where the Bill had passed the Upper House unopposed, and was unopposed in this House, it should proceed from a second to a third reading without being committed.

455. You would expect, in order to perfect such a plan, that the House of Lords would agree to a similar change?—I would.

456. That when an unopposed Bill had passed through a Select Committee of the House of Commons, it should not afterwards be referred to a Select Committee of the House of Lords?—Certainly; to make the scheme complete it would be very desirable that the House of Lords should adopt the same course of proceeding.

457. Mr. *E. P. Bouverie.*] What would you do with regard to the amendments, which are very often introduced in the Committee on an opposed Bill?—In cases where amendments were proposed, I should suggest that the Bill should be referred to a Committee as at present; the change which I propose applies only to those Bills which do not require amendment, of which there are many, and to those Bills which require unimportant amendments; those unimportant amendments, I think, might be made in the House upon the third reading; I would leave it to the Chairman of Ways and Means to determine which of the Bills in this class required to be referred to a Committee, and those which he did not think required it, I would excuse going through that stage.

458. Mr. *Adair.*] Have you at all ascertained how many of those Bills there usually are?—I have; I believe that from 15 to 20 Bills would in that way be saved considerable expense; that is to say, of the Bills which commence in the House of Lords, of which the Honourable Member is aware there are not more than

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than 60 to 100 every year. But if the Lords would adopt a corresponding alteration, the change would operate upon a much greater number of Bills; three times as many probably.

459. Mr. *Whalley.*] Would the plan which you now suggest with respect to unopposed Bills diminish the amount of notice which the public have with respect to these projects, so that they would have less opportunity of raising opposition?—Not at all; because there would be the same interval after the second reading. I would not alter the Standing Order requiring an interval of seven days for opponents to come forward; but if no opponents came forward within seven days, then I would proceed at once with the third reading of the Bill.

460. Do you think that the present system with reference to the opposition to Bills is satisfactory, that opposition depending, as it does, entirely upon the conflict of the project with some private interest; do you not think that measures of this kind may affect public interests which are not represented in the case of unopposed Bills; do you not think that a Bill, though unopposed, may yet be injurious in a public point of view?—That is quite possible.

461. Is there any mode at the present time of insuring that the public interests shall be protected, excepting only the chance of the project coming into a conflict with some private interest?—There is the supervision which the Chairmen of Committees, in both Houses, exercise over Bills; that, I think, gives some check.

462. That is all?—That is all that there is at present.

463. Do you think that some local inquiry, or an opportunity to persons in the locality to express their opinions upon a project, would not be a desirable addition to the present means which the public have of making known their objections to a Bill?—I think that there are many objections to a local inquiry. In the first place, I think that it tends to a great increase of expense, and if the local inquiry is to be superadded to an inquiry afterwards in Parliament, there are great objections to it.

464. Mr. *Massey.*] Do you think that an extension of your proposal would be practicable, that every Bill which had been opposed in the House of Lords should, on coming to the House of Commons, be referred to the Chairman of Ways and Means as an unopposed Bill; that is to say, that a Bill having been once heard, the opponents having been heard in one House, should not be reheard in the other unless the House should otherwise order?—It would be a great change to confine the opposition to one House.

465. Neither House has any superior authority to the other, and therefore if a Bill which had been heard before an opposed Committee in the Lords came down to the Commons, and was heard before an opposed Committee in the Commons, it would be merely a reiteration of the hearing, there would be nothing in the nature of an appeal; and supposing that the House of Commons should agree with the House of Lords, the decision of the latter tribunal would have no superior authority to the decision of the other?—No. I have always thought that a separate inquiry by two co-ordinate tribunals was an erroneous system; the one is not an appeal from the other; but they are two co-ordinate tribunals, and there is an equal chance of one being right as of the other being right, and *vice versâ*. But I may say that I do not think that the course now suggested would much relieve the present difficulty. A very large proportion, about three-fourths, of the Bills at present commence in the House of Commons, therefore with regard to those Bills the inquiry in that House would be the same as at present. With regard to those Bills which commence in the House of Lords, of which we will say there are, on the average, 70 or 80 every year, on examining the numbers I find that a very small proportion of those are a second time contested, probably not above 20 altogether. Therefore, by making the change which the Honourable Member suggests, which would be a very considerable one, namely, the laying it down as a rule that a Bill should be contested in one House only, you would not relieve the House of Commons except to the extent of those 20 Bills which had previously been contested in the House of Lords; it would not relieve the Commons of any of those three-fourths of the whole number which they now have to entertain.

466. Supposing that the House of Lords should concur in the arrangement which

which the House of Commons adopted, would not the relief be a very considerable one?—Not to the House of Commons.

467. But suppose that the House of Lords agreed to the decision of the House of Commons?—It would not afford much relief to the House of Commons; the whole relief which the House of Commons could get would be to the extent of those Bills commencing in the Lords which are now contested in the Lords, and again contested in the Commons.

468. Mr. *R. Hodgson.*] Does not it just depend upon what Bills are decided to commence in the House of Lords?—It is a matter of arrangement; but it is very difficult to induce the House of Lords to take more than a limited number. The number of Peers available for Committees is but small, and during the few years that the system of introducing some portion of the Bills in the House of Lords has been in force, it has never been found possible to induce the Lords to take so great a number as they have done in the present year, which is under 90.

469. It frequently happens that Bills which are passed in one House are rejected in the other before Committees, does it not?—Yes.

470. Mr. *Massey.*] Do you think that the parties would have a substantial grievance if they were precluded, as a general rule, from being heard twice over?—No, I do not think that they would have any substantial grievance.

471. I am always assuming that this practice shall be a general practice, subject, of course, to the discretion of the House, and unless the House shall otherwise order?—Yes; I do not know whether I have made myself understood, but I wanted to explain the extent to which it would relieve the present difficulty. As regards the House of Commons it would only relieve it to the extent of that number of Bills commencing in the Lords which are contested there, and then are contested again in the House of Commons, being, perhaps, 20 Bills; but all those Bills which commence in the House of Commons, and are contested there, would still be contested if this change were to be made.

472. *Chairman.*] In all cases there would be a great relief to the promoters undertaking Bills?—Yes, there would be the relief from the second contest; it would be very easy to ascertain what is at present the number of double contests; it is but small.

473. But even without a contest, having to prove the same Bill twice over is more expensive?—If it is unopposed the proof is extremely slight.

474. Mr. *R. Hodgson.*] Do you think that parties having failed in their objections against a Bill once would complain that they were debarred from repeating those objections in the other House?—I have no doubt that they would complain; but I think that if you find them one competent tribunal, in principle they have no fair ground of complaint.

475. Mr. *Lowe.*] On the other hand, is it not an injustice that where a person has once been heard, and been successful before a competent tribunal, he should be compelled to go through the same ordeal again before another?—I think that it is an injustice.

476. Mr. *R. Hodgson.*] Would not the risk of injustice be met by a power being given to the Committees to award costs in a case of vexatious opposition?—The subject of costs opens a large question; I am quite prepared to go into it.

477. Setting that against the injustice which you say that parties would think was done to them by preventing their having a rehearing of their case; would it not practically prevent any vexatious or unfounded opposition to a Bill after it had passed one branch of the Legislature, and parties were disposed to contest the same matter again?—Yes, I think that it would; but then I must guard myself by saying that I think that there are great objections to investing Committees with the power of giving costs.

478. Mr. *Adair.*] Is it not the case that when a Bill is heard a second time in the Lords, there is one point of a great issue taken, and the whole Bill is decided upon that point?—I can hardly say; I have not sufficient experience of the proceedings in the Lords to speak to that; but no doubt the issues become narrowed in the second investigation; it must naturally be so.

479. The Lords' Committees as a rule are very unwilling to go again into the merits of a case which has been heard at great length in the House of Commons?—But if the merits are brought before them a second time, it is unavoidable that they should go into them.

480. Mr. *Lowe.*] Is there in the jurisprudence of this country, or of any other

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country, anything the least similar to what happens before the Committees of Parliament, namely, that people having been heard and having succeeded in one court are immediately sent to another, not by way of rehearing or appeal?—No, I do not believe that there is any precedent for it in judicial proceedings. I presume that the justification of it is, that it is partly a legislative proceeding, and therefore should be participated in by both branches of the Legislature.

481. But that argument you have met by saying that this is in the nature of a judicial proceeding?—I think that it is.

482. Mr. *Whalley.*] Committees differ, I suppose, as to the confidence which they give to the suitors; great differences exist in that respect owing to the present fluctuating nature of the tribunal?—Yes.

483. Mr. *Liddell.*] As a matter of fact, are the decisions of the House of Commons with regard to Bills often reversed by the other House, upon a second hearing?—I cannot say in what proportion, but they are sometimes reversed; it is not an unfrequent occurrence.

484. When it does occur, is it not often the case that some point arises in the course of examination to which the public attention has not previously been sufficiently directed in the Lower House, which it is exceedingly desirable should be taken notice of, and that therefore a re-hearing in the House of Lords is desirable, that is to say, that new matter arises?—From the small experience which I have had, I should not have said that that was the case; I think that, generally speaking, when the case is investigated before a Committee of the House of Commons, the parties are fully aware of all the points; I should think that the cases are very rare in which new matter arises after the decision of the first Committee.

485. Mr. *Lowe.*] Suppose that a case has been tried at Nisi Prius and decided one way or the other, and that then parties apply to the Court for a new trial on the ground that they can supply matter in evidence which was within their knowledge at the first trial, but which they did not produce, would any court in the world grant a new trial?—I think not.

486. Mr. *Whalley.*] Do you consider that this Court is a competent court. I wish to direct your attention to an answer which you gave before the Committee in 1858, namely, that you did not consider that this Court was of sufficient strength and competency to be entrusted with the important question of costs?—I am quite of that opinion now.

487. So that whatever remedy the power of awarding costs affords, you consider is not at our command so long as we maintain the present system?—Yes.

488. Mr. *Puller.*] When you say that in no judicial proceedings is a thing heard a second time, as a general rule, is it not the case that in all matters before the courts of equity the unsuccessful party has a power of appealing to another court?—Yes, to a superior court.

489. And even to a third court?—Yes; those are appellate jurisdictions, but the case in question is of two co-ordinate tribunals.

490. *Chairman.*] It has been suggested (and, in fact, it has been tried) that some auxiliary means might be had of assisting Parliament with the facts to enable Parliament to arrive at its decision upon Private Bills; what is your opinion of that plan of preliminary inquiries and reports, so as to guide Parliament in its decision?—I think that any investigation which is to be followed by an investigation by Parliament itself is useless, and an additional expense; I think that you must either retain the jurisdiction as now in the Committees, or else you must supersede that tribunal by another; but I think that the attempt to have a double inquiry will fail, as the previous experiments have failed; the Committee will not be bound by the conclusions of an inferior tribunal; they will reject the report or decision, or whatever it may be, as of no authority.

491. Colonel *Wilson Patten.*] You do not believe that it is possible under a preliminary inquiry to establish issues which may be tried before a Committee of the House of Commons, without adducing evidence before the Committee?—No; I do not think that the Committee would accept the conclusions of any other body of persons, and pronounce their decision upon them without investigating them for themselves.

492. Mr. *Liddell.*] Does the remark which you have just made apply to the examination by the Board of Trade of Railway and Canal Bills which is conducted at the present moment as a guide to the Chairmen of Committees?—No;

—No; those examinations, I think, are useful; those are merely memoranda and suggestions made to assist the Committee in its inquiry; the objection which I make is to a separate inquiry out of doors followed by another inquiry in Parliament.

493. Colonel *Wilson Patten.*] I do not see the difference which you wish to establish; it appears to me that if the Board of Trade make certain recommendations to Parliament on which Parliament legislates, it is the same thing as if a court properly constituted makes certain recommendations after preliminary inquiry, on which Parliament should also legislate?—But the difference is this; under the present system, the Board of Trade sends in a paper upon every Railway Bill; the paper is sent in this form: "This Bill is to do this or that, section one proposes so-and-so. It may deserve the consideration of the Committee whether this power should be allowed;" they are simply suggestions; in the experiment tried under Lord Dalhousie, the Board of Trade reported to Parliament that in its opinion Line A was better than Line B, and Parliament rejected that opinion.

494. Mr. *Adair.*] And Lord Dalhousie's tribunal only heard the case of the promoters, and not of the opponents?—I do not know how that might be.

495. But the suggestions of the Board of Trade are simply comments upon the clauses of the Bill?—They are.

496. *Chairman.*] You do not recommend any increase of the system of preliminary inquiries; you do not think that the recommendations in which they would result would have sufficient authority to bind Committees or to guide Committees?—I do not.

497. And you think that they would merely add to expense if there were to be after all an inquiry before a Committee of Parliament?—Exactly so; I think that the suggestions now made by the departments are quite proper; but I would not go any further in that direction.

498. Mr. *Whalley.*] You qualified your answer to the Chairman's last question by saying that those preliminary inquiries are not useful, but on the contrary burdensome, provided that they are to be followed by a further inquiry by Parliament?—Yes.

499. But may not that evil be redressed if the inquiry is made final unless cause shall be shown in Parliament for a further investigation?—I am prepared to submit to the Committee a plan of a substituted jurisdiction as a means of inquiry which will perhaps, in part, answer the Honourable Member's question.

500. In answer to a question of the Chairman you stated that, in your opinion, the preliminary inquiry would be of no avail as such; might not such a preliminary inquiry or investigation by some other tribunal than a Parliamentary Committee be effective, and might it not, in fact, redress all the evils which are capable of being redressed in the present system, and afford the best redress which suggests itself to you, provided that that inquiry should be final, subject to a re-inquiry upon cause shown in Parliament, instead of, as at present, an inquiry without cause shown?—I am opposed to a preliminary inquiry, meaning by that an inquiry to be followed by subsequent inquiry.

501. But we are not to imply that preliminary inquiry by another tribunal similar to that which is now carried out by Committees might not be expedient?—I object to a double inquiry.

502. Of course an inquiry by a Committee is a preliminary inquiry to the decision of Parliament; do you not understand it?—I use the words "preliminary inquiry" in the sense of an inquiry to be followed by another inquiry, an inquiry preliminary to the inquiry of Parliament.

503. In using the word "preliminary," am I right in gathering that the inquiry by a Committee of Parliament is in fact a preliminary inquiry to legislation?—Yes, it is preliminary to legislation.

504. Is your answer consistent with this, that such preliminary inquiry might with great effect, and, in fact, with the result of remedying all or the greater part of the mischiefs now complained of, be committed to a tribunal other than that of a Parliamentary Committee?—Yes, I have so stated.

505. *Chairman.*] Have you thought of any great change in regard to the transfer of the jurisdiction over Private Bills to some tribunal other than the Parliamentary tribunal?—Yes.

506. What is your opinion upon that subject?—I think that the best way of

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dealing efficiently and economically with railway schemes would be by the creation of a competent body of persons whom I may call Commissioners, who should conduct the inquiry, and make Provisional Orders, to be confirmed, if Parliament should think fit to do so, by a Public Act.

507. How would you select those Commissioners; who should appoint them, or how would you constitute your court?—The constitution which I should suggest would be a tribunal consisting of four Members, one of whom should be a Member of the Legislature. I think that it would be very conducive to the good working of the system, that one member of this tribunal should be a Member of the House of Commons, and should be there able to explain, and to vindicate the proceedings of the Board. I think that, as in the case of the Poor Law Board, it would much conduce to the good working of the system, if the president of this tribunal were a Member of the House of Commons. I would obtain the services of three other persons, the most competent men that I could procure; men who had experience, and who were qualified to conduct judicial investigations. I would have this court sit throughout the year, except for the usual legal vacation. I would have them do a full day's work every day. I would have them sit in public, and hear counsel and witnesses, all in public; and then I would invest them with the power of making provisional orders, subject to being confirmed by a Public Act of Parliament; I think that the railway system has now arrived at that point at which the business may be safely entrusted to such a body, and that such a body might fulfil the duties required of it in a very efficient manner. In examining the Railway Bills, which now come before Parliament, I find that a large proportion of them are not for the construction of new lines; in fact, the United Kingdom is tolerably well supplied with main lines; there are a number of Bills for the construction of short pieces of line, to unite existing railways together, to afford communication to towns, and so forth; but the number of new schemes of any magnitude is now exceedingly small. Then a very large class of Bills are Bills to settle the relations of one company towards another; Bills for transferring, for amalgamating, and for leasing the undertaking of one company to another. A considerable proportion are for the settlement of disputes between companies; others are for sanctioning arrangements between one company and another; working arrangements, traffic arrangements, and so forth. Another class of Railway Bills relate entirely to the internal regulation of individual companies. We have this year a large crop of Bills of that sort; Bills to authorise companies to increase their capital, or to issue preference shares, or to exercise some other power which is *ultra vires* without the sanction of the law. Now, taking these classes separately, the last class of Bills is one which appears to me not at all to need the exercise of the powers of the Legislature, certain conditions being fulfilled. Certain meetings being required, and certain consents of shareholders being given, I do not see why these powers of raising additional capital, and of distributing that capital into different classes of shares, should not be authorised by a competent department. I think that it does not require any legislative power; that it does not demand an intervention of the Queen, Lords, and Commons, to sanction such a thing as that.

508. Might not the last set of powers which you have mentioned be authorised by some general Act, which would contain all that was necessary to be complied with without any new tribunal at all?—I think that they would probably require merely the authorization of some department.

509. A mere certificate that certain conditions had been complied with?—Some means of investigating that certain conditions had been complied with, and then a mere warrant. It is a sort of business analogous to what a judge does at chambers; you do not require a tribunal to sit upon it and to hear counsel upon it, but a certain authorization is applied for, and on proof being given that certain conditions have been complied with, I think that a *fiat* should issue. Then with regard to the questions relating to arrangement between companies, those, I think, are cases for the exercise of arbitration, and there again you do not want legislative jurisdiction, but you want competent arbitrators. Now, I think that such a tribunal as I have suggested would perform that duty extremely well, and better than any Committee of Parliament would do. Then, with regard to Bills for the construction of railways, I think that such a body of persons as I have suggested, sitting as a tribunal in public, hearing

hearing counsel and witnesses, and forming their decision, and embodying that decision in a Provisional Order, would be the most satisfactory mode of settling that class of cases.

510. You contemplate, under your system, the retention of the ultimate power by Parliament?—I do so.

511. Supposing that a provisional order which this tribunal had made in favour of any particular undertaking was objected to, the parties who objected would then petition; would you allow them to have the particular point to which their petition referred heard by a Select Committee, or only in a Committee of the whole House, in the progress of the confirming Act?—I think that such a matter as that ought to be referred to a Select Committee. I think that the disposition of Parliament to permit a re-hearing of cases which had been preliminarily decided by this court would be in proportion to their confidence or their want of confidence in the competency of this Board. I think that if this new tribunal obtained the confidence of the public it would obtain the confidence of Parliament also, and that the instances would be but rare in which Parliament would desire to re-open any case which the Board had decided upon; but in case the House of Commons, in any instance brought before them, thought proper that the inquiry should be re-opened, then I think that the proper mode of dealing with it would be to refer it to a Select Committee; and I apprehend that one Committee of the House of Commons, specially appointed for that purpose, could dispose of all the cases which would be likely to arise in the course of a Session, in which the parties had appealed against the Provisional Order, and in which Parliament thought that that appeal was worthy to be entertained.

512. You have stated that parties opposing a Provisional Order might appeal to Parliament, and that then Parliament would decide whether a rehearing should be allowed or not?—Yes.

513. You would allow nobody to come to Parliament for a Bill for a new undertaking unless he had previously obtained the sanction of this tribunal in the shape of a Provisional Order?—Just so.

514. If he had applied for a Provisional Order and could not get it, he would have no opportunity of getting his undertaking sanctioned at all?—No, he would not. I would not propose to take away the supreme jurisdiction of Parliament in any case of entertaining a complaint of grievance by a party who could show grounds for believing that he had been unfairly treated; it would always be in the power of Parliament to entertain an objection in the form of a petition.

515. Parties would not be at liberty any longer to proceed by Private Bill as now with a new undertaking?—No.

516. Do you see no disadvantage in a matter of this sort in having a fixed permanent body of that kind; do you not think that they would be unwilling to entertain anything new, and be rather tied down to the practice of the past?—No, I do not think that that would be the case with a well-selected tribunal.

517. So far as regards dealing with railway schemes, with respect to which we have such great experience, of course they could make provisional orders with great usefulness; but is it not rather doubtful whether such a fixed tribunal is a fit necessary ordeal for everybody to pass through when he has a new undertaking to propose to Parliament; ought not Parliament to have an opportunity of hearing a new proposal without the previous sanction of any external tribunal of that sort?—Under the present system, in the event of any scheme of a novel character being brought forward, it would, I apprehend, be committed by the House of Commons to a Select Committee of five Members. I do not apprehend that such a tribunal as I propose would be more indisposed to entertain it on the ground of its novelty than any Select Committee at the present time would be.

518. A Parliamentary Committee, composed of persons returned by different constituencies to Parliament, is more likely to move with the age than a fixed tribunal of this sort, which is not operated upon to the same extent by public opinion?—This tribunal would be presided over by a Member of Parliament.

519. They would be all paid commissioners, of course?—Yes.

520. This Member of Parliament who presided would have a salary?—Exactly so.

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521. He would be like the President of the Poor Law Board?—Just like the President of the Poor Law Board.

522. And he would represent this tribunal in Parliament?—Yes.

523. Would you refer all classes of Private Bills to such a tribunal?—No, I would begin with Railway Bills.

524. Mr. *R. Hodgson.*] Why do you prefer this new tribunal to the Board of Trade?—The question supposes that the Board of Trade are invested with this power.

525. Yes; why do you prefer this new tribunal to the Board of Trade, which is supposed to have a general knowledge of railways and a particular knowledge of railways throughout the country?—If the duty was committed to the Board of Trade I think that the result would not be very different; the staff of the Board of Trade must be increased in the same proportion. The change would be little more than nominal, except that perhaps the question assumes that the President of the Board of Trade would be the head of the Board.

526. Has not the Board of Trade now, from previous inquiries and knowledge of the subject, the very best means of performing this duty, which your new tribunal would not have?—The business which would come upon the Board of Trade would be very greatly increased. You would require the services of at least as many new officers as my scheme supposes. In order to get through the business I think you would require to add to the Board of Trade as many as the four members who, I suggest, should form this Board. Whether you call them officers of the Board of Trade or an independent department, makes but little difference. I think it would be desirable that the head of the department should be a Special Commissioner, and not the President of the Board of Trade, who has many other duties to perform, and is generally a Cabinet Minister, and I think could not devote his time so exclusively to this duty as the head of a separate Board could do.

527. Do you think that Parliament would place more dependence upon a Provisional Order issued by the new tribunal than it would if the Provisional Orders were issued by the Board of Trade?—I do not see what essential difference there would be in the two cases. If you entrust the duty to the Board of Trade I think you must appoint four additional persons of the same standing as members of the Board of Trade.

528. Do you not think that the expense to the country would be much less if the Board of Trade took this duty upon itself than if a new tribunal were established?—No, I think not; the existing Railway Department of the Board of Trade would be transferred to this new body.

529. Mr. *Puller.*] Would your new Board be appointed by the Government?—Either by the Government or by the House, as the Chairman of Ways and Means is appointed.

530. If appointed by the Government it would, I presume, change with the Ministry?—I am afraid that that would be a necessity.

531. Mr. *Adair.*] The President would likewise be subject to the chances of an election?—Yes; the loss of his seat.

532. Mr. *E. P. Bouverie.*] Have you made any calculation of the time that this tribunal would be occupied, as compared with the time at present occupied by Committees?—Yes; I have made some calculation, but it is rather a rough one. I feel, no doubt, that sitting the whole year through, such a tribunal would easily deal with the average amount of the railway business of the year. Looking at the number of days occupied by Committees upon Railway Bills, I think that it is quite clear that such a body as I have supposed, sitting nearly double the number of hours in the week, would easily dispose of that business.

533. It is your opinion, that if you turned the sittings of Committees into hours, you would find that one tribunal sitting permanently could easily manage the business in a year?—I think so; I have not the account made up for the last two or three years, but for 10 years, from 1847 to 1857, the number of days on which Committees sat on opposed Railway Bills was altogether 167; that is the average. There would be a greater number now, because Railway Bills are increasing relatively to other Bills. At that time, in 1857, the average of the 10 years showed as great a number of miscellaneous Bills brought into Parliament as of Railway Bills, but now the Railway Bills much outnumber the other Bills.

534. Colonel *Wilson Patten.*] Do you know what was the number of Committees

mittees which formed that average of so many days?—No, this return does not state that.

535. Mr. *Paull.*] Under your system, you would have certain trial days appointed?—Yes.

536. And the court would sit, I presume, at 10 o'clock in the morning and try the cause out as on circuit, sitting from 10 in the morning till 12 at night, if necessary?—Certainly. In all those matters which are merely the internal concerns of a railway company it would not be necessary to have the whole four members sitting together, but a single member might exercise functions similar to those of a judge at chambers, and give the sanction of the Board to those applications.

537. *Chairman.*] The functions which he would exercise would be not unlike those of the Examiner of Standing Orders, namely, to certify to facts, that certain conditions had been complied with?—Yes.

538. Mr. *E. P. Bouverie.*] Supposing that the tribunal which you contemplate rejected a scheme, would you allow the promoters of it to come again as many times as they liked?—I think that in case of such a tribunal as this being formed, you might safely invest it with the power of giving costs, which would be the best check upon vexatious measures, and improper interferences with property.

539. I am supposing that the tribunal tries a scheme for a new railway, and upon the evidence rejects it; would you make that rejection final, and would you debar the promoters of that scheme from coming to Parliament independently for a Bill to promote it?—I would; just in the same way as the rejection by a Committee of the House of Commons is now fatal to a scheme, so I would make the rejection of this Board fatal to it.

540. But the promoters may come again in another year?—Yes; I would not shut them out from coming again at a future time.

541. Is it not found that very often schemes which are rejected in one Session are passed in a subsequent one?—It is so.

542. A different tribunal taking a different view?—Yes.

543. That would be entirely precluded by your plan?—Yes, unless the promoters amended their scheme.

544. Mr. *Liddell.*] You propose that the Parliamentary member of this Board is to be responsible to Parliament for the acts of the Board?—To some extent he would be; the Board as a Board would be responsible.

545. Would not he stand almost precisely in the position of any other Minister of the Crown; I cannot draw a distinction between his position and that of any other head of a department?—He would stand in precisely the same position as the President of the Poor Law Board now does.

546. In that case he would be liable to be questioned in his place in Parliament for the acts of the Board?—Yes.

547. And in the event of parties being aggrieved by the decision of the Board their case would be brought before Parliament in that way?—It would.

548. Colonel *Wilson Patten.*] I presume that this member who you suggest should be at the head of the Board would perform the same duties with regard to opposed Bills as the Chairman of Ways and Means does now with regard to unopposed Bills?—He would discharge the same duties as the Committees do now.

549. But those duties would be more analogous to the duties of the Chairman of Ways and Means than they would be to those of the President of the Poor Law Board?—The Poor Law Board is not a judicial body; the cases are not similar, but I only mentioned the case as analogous.

550. The decisions of the President of the Poor Law Board do not necessarily come before Parliament?—No.

551. Mr. *Whalley.*] Assuming that the matter was entrusted to the Board of Trade, the President of the Board of Trade, I suppose, would stand in the same relation to it as the Secretary of State now does to the Charity Commission, or the Enclosure or Tithe Commission, or any other Commission to which he appoints. If any objection is made to an Enclosure Act the Secretary of State now defends it, and justifies it, and makes the necessary inquiries?—The head of the Board which I propose would be rather more directly responsible, seeing

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that he himself would have concurred in the proceeding which would be impeached.

552. Is not the department which is called the Board of Trade a Committee of the Privy Council?—That is the origin of it, I believe.

553. It consists at the present time of the principal officers of State, the Prime Minister, the Archbishop of Canterbury, and various other persons in that position; you are aware of that?—I know that there is a Committee.

554. Would your idea be carried out by constituting a sub-committee of that Committee, namely, a sub-committee of the Board of Trade, and appointing to it from the House of Lords and the House of Commons not three or four members, but several members, such as those who have experience in Parliamentary business, and leaving them to carry out such business as you have indicated?—My reason for proposing a limited number was because I thought that the duty would be better done by those who had that duty exclusively to attend to, and that in order to be efficient they ought to be paid for their services, and that it would be desirable to limit the number on account of the expense. Whether it is a department of the Board of Trade or an independent tribunal, I think is not very material; I think that the difference is more nominal than real.

555. With reference to the suggestion of the Chairman with regard to prejudices, although the present tribunal would not be influenced by prejudices, you say that that might be counterbalanced by their not being informed by previous experience in dealing with these matters; do you think that the fact that this fixed tribunal would become informed by experience and knowledge of their business, would more than counterbalance their having formed prejudices?—Yes, I think that on the whole they would be a better tribunal.

556. Would not both those objects be obtained if a sub-committee of the Board of Trade should consist of some 15 or 20 gentlemen, all being Members of the Privy Council, from whom the Committees to consider these matters might be selected from time to time?—If the honourable Member contemplates unpaid functionaries acting occasionally, I do not think that they would be nearly so good a tribunal as a fixed and limited number of persons devoting their whole time to the work, and paid salaries for performing those duties.

557. Mr. *R. Hodgson.*] There is a Railway Department now, is there not?—Yes.

558. Not the Archbishop of Canterbury and Member of Privy Council, but a Railway Department of the Board of Trade, whose business it has been to investigate this particular subject?—Yes.

559. Of course it was with regard to that department that I put the question just now to you; you still prefer a new tribunal and not the Railway Department of the Board of Trade?—I think that you must have new men; and whether you annex them to the Board of Trade at once, or whether you make them an independent Department, I do not think makes much difference. I do not see any objection to making them a branch of the Board of Trade; but you must have the new men at all events.

560. Do you think that the railway public and the public generally would not be better satisfied with a provisional order issued by the Railway Department of the Board of Trade, than with one issued by any tribunal that could be formed?—I do not know what the feelings of the railway public are, but I only look to what I consider the expediency in a public point of view, and I do not see why, if your Commissioners are well selected, there should be any want of confidence in them.

561. *Chairman.*] You mention in a paper which you have drawn up that they should be selected from the same class as now furnishes the most approved Chairmen of Private Bill Committees, not being Members of Parliament?—Yes, not being Members of Parliament, or ceasing to be Members of Parliament.

562. You do not contemplate a legal tribunal composed of professional men?—I should prefer a tribunal not exclusively legal; you might find some legal element useful; but I think that the class in whom the railway public would feel most confidence would be the class which I have indicated, namely, that which now furnishes the most approved Chairmen of Private Bill Committees.

563. The

563. The expense of this tribunal would be defrayed by the fees of the suitors?—I think that it ought to be so.

564. I suppose you do not think that the expense would be considerable; a lower scale of fees than those now paid would be adequate to support such a tribunal?—Yes; the fees now paid by railway companies to the two Houses of Parliament amount to a very large sum indeed, and a very much less sum than that would support any such establishment as I am suggesting.

565. Persons applying for a Bill, and failing in getting their Provisional Order, might come again the next year?—Yes.

566. But they would have to come again exactly to the same tribunal?—Yes.

567. Their evidence might be the same, and the probability therefore would be that they would be rejected a second time, as they were the first?—Just so.

568. Whereas, as they now proceed, they have a chance of a fresh tribunal to consider the evidence?—Yes.

569. Which evidence may present itself in a different light to the minds of that fresh tribunal from the light in which it would present itself to these Commissioners. Do you not think it an advantage to have some fluctuation in the tribunal, for things of this sort, which are frequently novel?—I think, that supposing the tribunal to be a competent one, and to investigate properly the nature of every case that comes before it, there is no advantage in allowing the same project to be brought forward again and again. As to the advantage of submitting a project in successive years to different Committees, I must say that I think it is very questionable; it does not at all follow that the second tribunal is a better one than the first.

570. Take the instance of the first railway: in the first year it was, I think, rejected; supposing your tribunal to have been in existence, probably that tribunal would have refused its Provisional Order, and would have stuck to that view of the question, and very likely the same Committee as rejected the first Railway Bill would have stuck to their original view, but a new Committee took a different view, and a great public improvement was the consequence. Do you not think that in matters of this sort a fluctuating tribunal may, perhaps, have its advantages?—I do not mean to say that there is no advantage at all in the present system, but I think that the selection of Committees at present is so much a matter of hap-hazard, that I doubt very much whether any advantage is gained by submitting the same project to different Committees. With regard to the objection which is suggested, I think that, considering the relation which this Board would bear to Parliament through its President, there would not be reason to fear that public opinion would have no operation on this Board. I think, on the contrary, that it would be influenced by public opinion, and that if its members should reject, as that Committee did in the first instance, a novel scheme, when the matter came to be inquired into and discussed as all things are now discussed in the press, and in public, and in Parliament, if they were men of an ordinary degree of enlightenment, they would open their minds to the reception of any scheme which had merits. I do not see any reason to apprehend, if they were men worthy of their station, that they would allow their minds to be closed against any novel plan which might be submitted, and I think that the relation in which they would be placed to the House of Commons by having their head a Member of the House, subject to be interrogated why the Board refused to entertain such and such a scheme, would be a sufficient check, and would prevent the doors of the Board being peremptorily closed against any novelty.

571. Mr. *E. P. Bouverie.*] Take the case of their passing a scheme which should involve great controversy and great hostility on the part of powerful corporations or associations of men with an indefinite amount of means, do you think that the opponents, when the scheme had been approved of, would be satisfied to allow a provisional order to be sanctioned by Parliament without making an effort for another fight over it?—I think that they might make the attempt in such a case for a re hearing, and perhaps they might succeed; and if it were a very important case, perhaps it would be very desirable that they should succeed, and that there should be an inquiry by Parliament itself; but I think that they ought to show very strong grounds for re-opening the matter. I do not think that it should depend upon the amount of interest or influence

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which opponents could bring to bear. If they could show that the case was one of extreme difficulty, and very doubtful, it might be desirable that it should be re-opened, and Parliament would then judge.

572. Has it not been rather the practice of late years of the House of Commons to take the decision of these questions altogether out of the House itself, and to leave it to Committees, for fear of those influences to which you have referred operating upon the minds of Members?—Yes; and I should rely upon that feeling of the House of Commons being extended to the proposed Commission, and that they would not suffer a question to be re-opened without strong grounds for it.

573. Do you not think that Parliament might have a little jealousy in a tribunal of that kind dealing with great schemes involving enormous public advantage without their having a voice in the matter?—I think that the presence of the head of the Board in Parliament would be a great antidote to any such feeling as that; and I think that we must also take into account that, as far as we see it, the day for large railway schemes, has gone by; the country is furnished with communication.

574. Mr. *R. Hodgson.*] Do you think that that is exactly the time to appoint a new tribunal in the place of taking the one which we have; that is to say, a new tribunal to pick up the crumbs which are left for it by the general legislation?—I find that notwithstanding the railway system is pretty nearly completed, the number of Railway Bills is increasing every year; you have small Railway Bills; the business is increasing, though the main features of the scheme are now settled, and that is the case which I lay for my scheme, namely, that the important part of the work is done, but a vast deal of business is yet remaining, and that business, I think, will be done better in the mode which I suggest, and at far less expense than by Committees.

575. Colonel *Wilson Patten.*] Is not there still remaining this very important question to be decided, namely, whether there shall be a general competition of different railway schemes or an amalgamation of different companies; and would not Parliament be rather jealous of giving up the decision of the question whether there shall be a universal amalgamation of railways to any tribunal but itself?—I think that the question of amalgamations is very far advanced to a conclusion. There have been so many great amalgamations already made that I do not see that there is very much scope left for further amalgamations of importance; there are a great number of small amalgamations which may be made, but the important amalgamations I look upon as pretty well effected already, or about to be effected this Session.

576. Would not Parliament be rather jealous of giving up the question of tolls if the amalgamations were continued?—The tolls are now so generally uniform that there is not much question about them.

577. Mr. *Whalley.*] I do not contemplate that by your proposal Parliament is asked to give up anything; it is merely asked to delegate to another tribunal, which you deem to be more effective for the purpose, the preliminary inquiry which it now commits to its own Committees; is not that so?—Parliament certainly has discharged itself of the duty of inquiring, except through its Committees, and it generally declines to hear any impeachment of the decision of its Committee. Parliament, as a body, washes its hands of those questions.

578. Do you consider that any constitutional principle is involved in withdrawing so many Members from their public duties for so large a part of the Session, and involving them in these details and squabbles between private individuals; do you think that it is an advantage to the public interest generally, or the contrary, that Members should be so engaged during so large a portion of the Session?—I think that it is very inconvenient, and is an undue tax upon the time of Members which ought to be given to public affairs.

579. Do you not consider that it derogates from the efficiency of Parliament in the discharge of its public duties, that so many Members, and especially the Chairmen, who are important Members of the House, should have a great portion of their time occupied in settling these private matters?—Yes, I think that it is inconvenient, and that it is employing the Legislature to do what a much smaller and less important department would do in a better manner.

580. Do you not think that Parliament would in fact retain their power, and be more free to exercise that power over these schemes upon reports brought before

before them from a tribunal of that kind than they now feel prepared to do upon reports brought before them by their own Committees; do you not think that in cases of emergency and where sufficient evidence was adduced they would feel more free to reject or to order a re-hearing, or to commit to a Committee of their own House any report upon these measures when it came from an executive department like the Board of Trade, than they now do when it is brought before them by their own Committee, that Committee having devoted so much time and labour, and at so much inconvenience to the Members, as is well known, to the investigation of the matter?—Yes, I think so.

581. Mr. *Lowe.*] What jurisdiction do you propose to vest in this tribunal?—I propose to vest in them the power of making provisional orders to carry out the applications which are now made in the shape of Railway Bills of all sorts.

582. Everything which is now vested in a Committee upon a Railway Bill?—Yes.

583. You do not propose to retrench any of that jurisdiction?—No.

584. You think that it is desirable to commit to that tribunal the power of considering whether plans are beneficial to the public or the shareholders, and are duly completed, and all those questions?—Certainly.

585. You do not contemplate any restriction in that respect?—No.

586. You expect that the Member of the Government should take part in the proceedings, as a sort of Chief Justice?—To a certain extent. I think that while Parliament is sitting, it would probably not be convenient or desirable that he should take the same degree of labour in the judicial inquiries as the other members of the Board. I think that it would withdraw him too much from his Parliamentary duties. I think that it should be left to his own discretion, in a great measure, what part he should take; but I do not contemplate that he should take so large a share of the labours of the judicial investigation as the other members.

587. You are aware that the Lord President of the Council is a member *ex officio* of the Judicial Committee of the Council?—Yes.

588. But that he never sits upon it?—Yes.

589. You are aware that the fourth member of the Charity Commission is a member of the Committee of Council on Education, but that he never sits upon it?—Yes.

590. You would not follow that precedent?—No; my idea is that the head of the Board should give as much time to the duties of the Department as he could consistently with his duties as a Member of Parliament.

591. Do you not think that he would be in some danger of being overworked if he worked in the Session, and in the vacation, in judicial business too?—Yes, he would be very much overworked, if he worked *de die in diem*, and that is the reason which I should propose to spare him during the Session.

592. Do you think that the gentlemen whom you would select for this tribunal would be of sufficient weight with the Bar practising before them, to enable them to shorten the proceedings, and to prevent irrelevant discussions and evidence which ought not to be gone into, and all those matters which you have mentioned?—If the question is whether I think that gentlemen could be found competent to do it, I think they could.

593. You have made a complaint against Members of the House, that they cannot do it, not having the necessary knowledge and experience, and yet you say that these gentlemen taken from the same material would be able to do it?—These gentlemen would not be a large body; I think it possible to find three, or at all events two, perfectly competent for the duty. The number of gentlemen who now act as Chairmen is rather large; some of those Chairmen are men of first-rate competence, and possess great qualifications for judicial duties; others much less so.

594. You think that you could find men who would have all the weight of a court of justice?—I think that the department would be very well constituted if partly formed of such Members.

595. Do you anticipate that single Members shall sit to try cases?—No, not to try cases judicially.

596. You would require three or four judges?—Two or three at all events.

597. You think that it should be in the nature of a trial at Bar?—Yes.

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598. Do you think that a convenient machinery?—I think that for this sort of investigation it would not be at all inconvenient.

599. Do we not find in our law that the most important cases, so far as the taking of evidence goes, are best tried by one judge?—The Right honourable Member is aware that in cases of high treason there are usually three judges, and in many criminal trials there are three judges; one of them acts as president, and takes upon himself the duty of taking notes and summing up; but I do not know that there is any inconvenience, but I should think rather the contrary, in the presence of the two other judges with him.

600. What preliminaries would you require before persons were admitted to appear before this tribunal?—I have not entered into those matters; I should adopt, to a great extent, the present regulations of the Standing Orders.

601. You would take those as your guide?—I should take those as my *substratum*.

602. Mr. *Liddell*.] Is not another objection to the formation of this sort of body to be found in this, that the opinion of any one member may have to be overruled by the opinion of the majority?—That happens in the courts of law constantly.

603. Then, this may occur, that the very man whose opinion is overruled may chance to be the President of the Board, and he is called upon in his place in Parliament to justify the action of a Board, in the arriving at whose decision he has had no voice?—I do not apprehend that the merits of particular decisions would often become the subjects of discussion in Parliament.

604. Mr. *Lowe*.] Is he to defend in Parliament the decisions of which he disapproves?—No, I did not contemplate that he would be put there to defend the decisions in all cases.

605. But to defend any charge of improper conduct?—Yes.

606. Mr. *Paull*.] To explain it?—Yes.

607. Mr. *Lowe*.] I am the fourth Charity Commissioner; I am not bound that the Charity Commissioners shall decide rightly?—No.

608. But I am bound to defend them against charges of improper conduct?—Yes.

609. Mr. *Puller*.] Have you considered what kind of Bar there should be before this tribunal?—I consider that there should be the same sort of Bar as now practises before Committees.

610. Do you propose to reduce their fees?—No, but their fees would be reduced by the longer sittings.

611. Mr. *R. Hodgson*.] You do not propose that this tribunal should hold any local examination?—No.

612. Mr. *Liddell*.] Members of Parliament serving upon Committees are now sworn before they serve, that they have no private interest in the matter respecting which they have to decide; would it not be necessary, in the event of any member of the proposed Board having an interest in the railway, or the undertaking, whatever it was, that he should be relieved from the consideration of it?—I think that it would be desirable that every member of the Board should sell any shares in any company that he happened to possess, and should be entirely free from any interest of the sort.

613. An interest in any particular railway scheme may arise from other reasons; he may be a landed proprietor?—He would then act as a judge acts now in a court of law; if a judge happens to be pecuniarily interested in any case coming before him, he declines to act.

614. Mr. *Adair*.] Would you propose that the members of this tribunal should give reasons for their decision, as well as their decision?—No.

615. In the case of an equal division of votes, there being four members of this tribunal, what would be the operation, would the scheme be withdrawn?—I should give the President a casting vote.

616. Have you at all considered the possibility of improving the existing tribunals of this House (I mean by that the Railway Committees) if Parliament retains the jurisdiction in its own hands?—I gave evidence in 1858 upon that question, and I then recommended certain alterations, and those alterations have been partially carried out; I mean chiefly diminishing the number of the Chairmen and the number of Committees sitting at the same time; but the experience which I have had since that time does not lead me to think that

any

any material improvement could be gained by any change in the constitution or mode of proceeding of the Committees.

617. Then the partial success which attended your suggestions in 1858 has not encouraged you to make any further suggestions now for an alteration in that respect?—I do not wish to take the whole credit of those suggestions. I believe that the same opinion was entertained by many others besides myself.

618. Do you think that a tribunal consisting of a Chairman and two associated members would as efficiently perform the duty as the present tribunal?—I think that it would, if you could be secure of the attendance of all three Members, but the difficulty would be that one of the Members, perhaps, would be ill, or unable to attend, and that your numbers might be inconveniently reduced.

619. Under those circumstances you would, at all events, have a majority of the Committee, the Chairman being one out of that majority?—If one Member is ill you are reduced to two, and then you have one to one in case of a difference of opinion.

620. Would you in that case hesitate to give the Chairman a casting vote as he has now, if the Committee be four?—Yes; I think that it is questionable; you then invest the Chairman with the sole power of deciding that a scheme should be adopted or rejected.

621. If the Chairman had any hesitation in giving his vote, the decision of the Committee on that Bill might be postponed for a full attendance of the Committee?—It might, supposing that the absent Member was likely soon to be able to resume his place; but there is great inconvenience and expense attending that; all that time you are keeping witnesses in attendance, and the expense of the case is going on.

622. The two Members of the Committee might adjourn that case till a future day, and proceed with another case?—Yes, they might do so, but those adjournments are a great cause of additional expense.

623. Do you think that a Standing Order, requiring all Railway Committees to sit from 11 o'clock till 4, would be advantageous to the conduct of business?—Yes, if it could be enforced, but I believe that the honourable Member is aware of the great difficulties which have been found in carrying that out in recent Sessions.

624. I refer to a Standing Order?—It would diminish expense; but I doubt whether such a Standing Order could be maintained.

625. Is it not maintained in the case of Election Committees?—Yes, but those Committees are comparatively few.

626. Mr. *Puller*.] Supposing that the Board were to adopt upon any of the great questions of railway policy a system which was disapproved by a large portion of the public, would there be any means of altering their course, except by an Act of Parliament?—No, except by removing the Members.

627. That is supposing that they took a view of the subject which led them to reject Bills?—Yes.

628. On the other hand, supposing that they took a view which led them to grant provisional orders, would it not lead to continual dissensions in the House?—I think that the whole success or failure of the scheme depends upon the selection to be made of the persons who are to form the Board. Assuming that you selected able and enlightened men, I do not see that any of those difficulties would be likely to occur. If you had incompetent and obstinate men, who refused to entertain anything that was new, then I think that you might get into difficulties.

629. Mr. *Paull*.] You mean it to be compulsory upon parties to go before the tribunal which you suggest, and not permissive?—Certainly.

630. Mr. *Whalley*.] I understand your views to be, generally, that no efficient remedy can be applied to the present system, which is so much complained of, except the establishment of a tribunal outside the House?—Yes, I think so.

631. And with respect to the constitution of that tribunal, whether as a department of the Board of Trade, or as an independent Commission, like the Inclosure Commission, that is a matter open to discussion?—Yes, I do not think that that is very material.

632. It is consistent with your views that the department of the Board of Trade should be supplemented for this purpose, say, by a large number of per-

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sons, selected from the Lords and the Commons, there being three fixed persons to be appointed with salaries, say, to be respectively the Chairman of the Committees, so that the fluctuating character of the tribunal might be mentioned, and its affinity with Parliament secured by gentlemen being brought from time to time from the Lords and the Commons, as members of this Committee of the Board of Trade?—I have very little confidence in the success of any scheme which depends upon the voluntary services of any persons in this matter.

633. Suppose that the Board designed to carry out this system should be called the Railway Council, and that the paid services should be rendered by three persons to be called the Executive Council, those three persons to be occupied during the whole of the year, discharging administrative as well as in part judicial duties; administrative duties at all times, and judicial duties when they might be on those Committees, their colleagues being unpaid Members, and they being the Chairmen of those Committees; might not some such system as that be adopted to meet the various objections which have been suggested to you from different parts of the Table?—Perhaps it might, but I believe that I should prefer my original scheme.

634. Mr. *Adair.*] Do you see any objection to the appointment of paid Chairmen of Railway Committees?—Yes, I think that there are objections to the appointment of paid Chairmen, if there are to be several of them.

635. Supposing that it was found that three or four were sufficient to do the work of the Session, those Chairmen sitting from the first day to the last day of the Session, would that at all qualify your opinion?—No, it would not.

636. What, in your opinion, are the prominent objections to paid Chairmen?—I think that there is an objection in principle to taking Members of Parliament, who are returned to perform their duties to their constituents and the public, and converting them into salaried officers for a special department of this sort; and secondly, I think that if you proposed to associate with a salaried Chairman unpaid Members, they would be extremely disssatisfied to sit by his side, and go through all this amount of labour for which he was paid, and for which they were not paid.

637. Is that found to be the case with benches where there are stipendiary magistrates associated with non-stipendiary magistrates?—Yes; I believe that that is found to be the case. If you require a quorum of magistrates, it is very difficult to get magistrates, except from personal motives, to sit by the side of the chairman while he is trying the cases.

638. Do you think that the reputation of the tribunal will be likely to be sustained at its present point of popularity without some such step as the appointment of paid Chairmen?—I think that there are objections on principle to the appointment of paid Chairmen. I am afraid that the present system of Railway Committees will not be likely to maintain its reputation.

639. You think that if the business is conducted as it is at present, there is no prospect of its being carried on so efficiently as it has been within the last few years?—If the business increases, as it seems likely to do now (and I know that some of the Chairmen are disposed to decline the duties), I am afraid that the business will get into less competent hands than it is in at present.

640. *Chairman*] Will you deliver in the paper which you have prepared on the subject, which the Committee are investigating.—(*The Witness delivered in the same*).

Vide Appendix.

Jovis, 19° *die Martii*, 1863.

MEMBERS PRESENT:

Mr. Adair.	Mr. Lowe.
Mr. E. P. Bouverie.	Mr. Massey.
Mr. C. Forster.	Colonel Wilson Patten.
Mr. Milner Gibson.	Mr. Paull.
Mr. R. Hodgson.	Mr. Puller.
Mr. Liddell.	Mr. Whalley.

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

The Right Honourable Lord *Redesdale*, attending by permission of the House of Lords; Examined.

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641. *Chairman.*] YOUR Lordship is Chairman of the Committees on Private Bills, in the House of Lords?—Yes.

642. Have you heard any complaints of dissatisfaction with the present system of Private Bill Legislation?—I have heard of considerable complaints being made of its expense, and in some degree of some of the conclusions not being satisfactory; my own opinion is, that without some alteration in the jurisdiction over those measures, you will not have that perfect legislation on the subject which would be desirable.

643. You think that the complaints which have been in circulation are to some extent well founded?—Yes; I think that we have wanted control over the laying out of lines, and also some guidance with regard to what were the best lines to be adopted when proposed.

644. Could your Lordship throw out any suggestions with the view of remedying those defects?—I do not think that any improvement could be made without some partial transfer of the jurisdiction; and having considered the subject very maturely, it appears to me that all that has occurred brings us to the conclusion that no satisfactory tribunal can be established which is not a Parliamentary one; that Parliament will not abdicate its power in favour of any appointment of any kind which does not originate in itself.

645. Then do you contemplate the constitution of a new Committee or tribunal composed of Members of Parliament?—Yes; my view is, that there ought to be a Board constituted; I think that it would be best, perhaps, if composed of three Members, two Members of the House of Commons, and one Member of the House of Lords, to be appointed by the Houses, in the same way as we nominate the examiners of Bills; I believe that if the authority of the appointment was vested in the House, the House would be very much guided by a tribunal so appointed; I am convinced that they would not be guided by or submit to a tribunal appointed in any other way.

646. What jurisdiction would you vest in this new tribunal?—The jurisdiction which I would vest in this tribunal would be as extensive as Parliament would be disposed to grant to it, and I think that if it was found to work well, ultimately they would grant very considerable jurisdiction to it; but in the first instance, I think that they must be prepared to grant this, that no Bill shall be proposed to Parliament which has not received the sanction of that Board.

647. Its powers would be exercised previously to legislation, as it were?—Its powers would be exercised previously to legislation.

648. It would be somewhat analogous to the case of a grand jury, which finds a true Bill or throws it out, upon an *ex parte* statement?—It would be that

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which has been proposed in various forms, namely, a preliminary inquiry, but conducted by a tribunal to which I believe the House would submit.

649. It would be a preliminary inquiry, but its decision would be binding upon Parliament?—Its decision would be so far binding upon Parliament, that in the first instance I should propose that no measure should be brought before Parliament which had not received the sanction of that Board.

650. Mr. *R. Hodgson.*] The Board would have a veto?—The Board would hear the schemes proposed, and they would select the one which they thought ought to be the one adopted. I am now speaking of competing schemes; they would allow that measure to be brought before Parliament, and I believe that it would be found that a measure so sifted, and determined upon by them, would in general meet with very little opposition; at all events, a very great portion of the expense of an opposition would be removed.

651. *Chairman.*] The proposed Committee would hold its sittings previously to the meeting of Parliament?—Yes, it would hold its sittings during the whole of the autumn and winter.

652. Promoters of new undertakings would have to come to that Committee in the first instance?—Yes.

653. And all the proposals for the Session would be brought under their supervision and inspection; they would eliminate a certain portion of the proposed schemes, and only such as they permitted to go on could be brought under the consideration of the Houses?—Yes, that would be my view in the first instance. I think that afterwards, very likely, for a certain class of schemes, that Board might be allowed a final jurisdiction.

654. Would there be any grounds assigned, or any principles stated, by which that Committee should be governed. Do you contemplate any instructions from the Houses?—Yes; I would give them full power to consider what they held to be the best line of communication in competing schemes between given points; to consider all the merits of any scheme which was proposed, not a competing scheme, and to hear any objections which were raised to the plan. I would give them full power to determine what arrangements should be made by the Companies promoting different schemes, in granting one line instead of another, and even to direct a scheme to be modified in any manner before it was finally submitted to Parliament; in short, the object would be to obtain the best possible line for the public, in adopting any new scheme.

655. Does your Lordship propose that this should be a paid body?—Yes, they must be paid, of course, because their duties would be very onerous, and would occupy a considerable time. I think that there is this advantage in the appointment being made by the Houses, and in the Board not being constituted in any other way. In the first place there would be the authority which they would gain, and also the power which the Houses would be willing to delegate to persons so appointed. There would be also this advantage, that if a man was found inefficient, as I would make the appointment sessional, he would probably withdraw, and somebody else would be appointed in his room, or at all events somebody else would be appointed in his room. At the same time I am convinced that the Houses, in the same manner as with regard to my own appointment, which is sessional, would find it convenient and most important that where the Members discharged the duties satisfactorily, there should be no change in them, and that the Board should be permanent. There would also be the advantage that, as anything of this sort must be treated as an experiment, it would be dropped at once if it did not succeed, without any parties having a claim to any compensation or appointment of any other kind; in fact, with regard to two of the Members, their continuance would of course depend upon their re-election in a future Parliament. Nobody could be supposed to hold any appointment of that kind upon any permanent tenure or with any claim of any sort.

656. Mr. *R. Hodgson.*] Does your Lordship contemplate that the labours of the proposed Committee shall begin after the usual preliminaries of lodging the plans and compliance with the Standing Orders, and after the engineering is all complete, just as a scheme would now come before a Committee; or does your Lordship contemplate its being a preliminary inquiry previously to the lodging of the plans?—I conceive that no inquiry could be entered into by the Commissioners until the plans were in such a state as would enable them tolerably well

well to judge of the schemes submitted to them ; and I think that the effect of the establishment of any tribunal of this sort, or of any preliminary inquiry of this sort, must be, in a degree, to delay railway operations for a year ; that whereas now people expect that no inquiry is to be made before the month of February, of course if any inquiry is to be made at an earlier period, you cannot expect that the same plans will be ready as at a later period. I do not think that any great evil would result from a little pause in railway legislation.

657. *Chairman.*] That Committee would hear both sides, as it were, of a question ; the opponents of any new scheme would be heard as well as the promoters ; would you propose that counsel should be heard before such a preliminary Committee?—I think I should propose that in the first instance the promoters should put in their statement in favour of the Bill in writing, or printed, which would be communicated to the other party, and that then the answer should be put in, also in writing in the first instance, and likewise any reply to that, and that these documents should be before the Commission, so that they should know the case pretty fully before any further investigation took place. They would very soon see from these statements on what points it was really necessary that further investigation should take place. I think that a great portion would be done without the attendance of counsel ; probably the parties would not like to have certain portions of the inquiry carried on altogether without the attendance of counsel, but I think that all that would be a matter of regulation to a certain extent ; and this advantage would be gained, namely, that as only one inquiry could be proceeding at the same time, you could say that no more than two counsel should be employed on each side.

658. Supposing, for instance, that there were two sets of promoters, each with a scheme for the same district, that is to say, that there were two rival lines, this preliminary Committee would decide which line should be allowed to go to Parliament, and the other would of course be withdrawn?—They would decide which line should go to Parliament, but, at the same time, if they saw that there were advantages in one portion of the other line rather than in the line which they adopted, I would give them power to recommend that a scheme should be introduced embodying the best parts of both ; I also think that they should determine what powers should be given to the respective companies, possibly recommending that both companies should construct the line together in some cases, as is now the case sometimes even between companies who are not altogether friendly. I think that in that way you would find that the best possible line might be laid down, whereas at present it is very often a choice of one or other of two schemes, there being advantages in both, of which you are not allowed to obtain the benefit.

659. Do you think that this proposal would tend to lessen the labours of the Houses of Parliament ; that there would be fewer schemes proceeded with, in consequence of the previous investigation of the proposed Committee ; that is to say, that many would be rejected?—When the scheme came before Parliament, of course the Commissioners would report all that had taken place, and their reasons for the conclusions to which they had come, with regard to the preference of a particular Bill or line, and the rejection of others. Parties of course would be open to be allowed to petition ; you could not prevent their petitioning ; but then I would have the point inquired into by a Committee specially appointed for that purpose, whether those petitions should be heard, or to what extent they should be heard by a Committee to whom the Bill should be referred ; in short, whether there was any ground for the further opposition which was proposed to be carried on by any party, in order to enable the House to come to a proper conclusion upon the subject of the adoption or rejection of the recommendation of the Commissioners.

660. Mr. *R. Hodgson.*] Would that be by vote of the House?—No ; the House would confide that duty to a Committee, and the Committee would report whether the petitioners should be heard, or to what extent they should be heard.

661. *Chairman.*] That is with reference to the schemes which this previous tribunal would allow to go on?—Yes.

662. But those which had been rejected could not approach Parliament at all?—The parties might appeal against the scheme which the Commissioners

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recommended; their own would be, no doubt, shut out; there would be but one scheme to consider.

663. Mr. *Massey.*] All the questions of competition which occupy so much of the time of the Private Bill Committees would be shut out?—They would be shut out to that extent; unless the Committee to whom the petitions were referred, thought that on some point or points it was justifiable that the parties should be heard before a Committee of the House, they would not be heard at all.

664. Then, in fact, that Committee would frame the issues to be tried?—Yes; a Committee of the House, formed of experienced Members, would meet to consider those points.

665. Mr. *R. Hodgson.*] Would your Lordship propose that this Committee of three should take cognizance of Bills for amalgamation, and lease, and raising of fresh capital?—Yes, of everything; and I would have them particularly inquire into the financial condition of the company, when they came forward to ask for money, and whether they were justified in having the money granted which was asked for. I would also have them particularly inquire into the real ability of the promoters of any new scheme to complete it; I think that all the securities which are now offered are worth nothing at all with regard to the solvency of companies; I think that the deposit has utterly failed.

666. *Chairman.*] Do you not think that a deposit, if the amount is adequate, would be a security?—I do not think that a deposit is a security in any way at all, because, as far as I am aware, the deposit is in reality obtained, not by payment from parties who are ready to carry on the line, but by an arrangement with certain parties, with a banker, or some other person, to get the money deposited for the purpose of enabling the promoters of the scheme to come before Parliament.

667. If the money is forfeited, in case the scheme is not completed, surely that will deter persons from making the advance?—As the law now stands, if the promoters have expended one half of their capital they get their money out, and yet the means of properly completing the scheme may not really be forthcoming. There is also another thing which I say with extreme regret, namely, that, as far as I am aware, I do not believe that the Treasury have enforced one single forfeiture, though numbers of cases have occurred.

668. Have the promoters got their money back when it ought to have been forfeited?—At the present moment there is a Bill before Parliament asking to have money paid back which has been forfeited for a considerable number of years, and which has never been asked for by the Treasury.

669. Supposing the system of deposits to be *bonâ fide* carried out, and forfeiture to be really enforced, when there was a failure to complete the undertaking within the proper time, might not that have a different effect?—I confess that I revert to a subscription contract as being, under proper regulations, the better security; it may be coupled with a deposit, if you please, but the deposit should be from the money of the parties who are really the undertakers of the concern. At the present moment I am convinced that, in a vast majority of new schemes, the deposit is really no security whatever for the completion of the concern. The money is advanced upon the security of parties who have agreed to pay the interest for a certain period; if they succeed in carrying the Bill, they hope to be able to get money sufficient (it must be a very wretched concern which cannot get the 8 per cent. upon the estimate) to fulfil their engagement to repay to the bankers the money which they have advanced. If the scheme fails, the money is got out, and the parties only lose the interest which they have agreed to pay. But I do not take it that any arrangement of that sort affords any security that the parties have, or, in reality, expect to have, except in the most vague manner, any funds at their disposal for the completion of the line.

670. Mr. *R. Hodgson.*] The law, I think, is this, that a deposit cannot be moved until the parties have expended one-half of the capital upon the railway, or until they give a bond to the Treasury for double the amount of the deposit that the line shall be completed?—Yes.

671. And in the case of a new company the money cannot be lifted without a money

a money guarantee from substantial persons, sufficient, in the opinion of the Treasury, that half the capital shall be expended upon the works?—Yes.

672. Your Lordship's complaint is, that the Treasury have not enforced the penalty?—That is one complaint; that the Treasury, I believe, in no instance have enforced the penalty, as far as I am informed.

673. Supposing that the Treasury did act upon that power, and did enforce the penalty, is not that a sufficient guarantee that one half of the capital at any rate will be expended?—But I do not see that if one half of the capital is expended, it is any proof that the line will be efficiently and properly completed.

674. If there were a further security to this effect, that if the line was not completed within a certain number of years, that part which was completed should be forfeited to the State, would that, in your Lordship's opinion, be any security?—It would, perhaps, be an additional security. That raises a new principle, and one which, perhaps, may be attended with a good deal of inconvenience, because what is the State to do with an unfinished line when it gets it.

675. Could not the State sell that part which had been made to another company, which company could provide funds for the completion of the line?—It might be treated in that way; but that is altering the whole system upon which the companies have been hitherto allowed to form themselves.

676. We are looking for a security for the completion of the line?—I think that the best security is to see that there are persons with the ability to pay a considerable portion of the money who have been connected with the concern from the beginning; that is what I want to see. I do not want to see lines got up by a contractor and by a solicitor, and two or three men of straw who join them, and who look to be made directors of the company.

677. *Chairman.*] The schemes which had passed your preliminary tribunal would be proceeded with as a Private Bill is now proceeded with?—Yes, I think that there might be certain improvements with regard to the manner of proceeding with Private Bills which would save some expense; but I should be disposed to recommend in the first constitution of that tribunal that every measure which was passed should come as a Bill before Parliament. I do not think that Parliament is prepared to sanction any alteration of that principle.

678. Supposing a scheme to have passed this preliminary tribunal, and to be carried through Parliament, do you propose that any alteration should be made in the Parliamentary Committees, in any portion of their procedure, with the view of lessening the expense or time involved in passing such a measure?—I think that the preliminary inquiry would be conducted at a much less expense to the parties than a proceeding before Parliament; but after it came into Parliament, I think that for the most part the Bill would pass without opposition. I do not think that any further opposition would be allowed. In some instances there might be a reason for hearing some of the petitioners on some points connected with the inquiry; and unless you are prepared to make an alteration in the fees to be allowed to counsel, which I do not very well see how you are to manage, I do not suppose that any material improvement could be made, except that by the number of opposed Bills being materially reduced, the necessity for retaining the great number of counsel that has been retained in many cases would be got rid of.

679. The operation of this previous tribunal would, in your opinion, very materially lessen the contested business which would afterwards come before Parliament, and therefore would not render it so necessary any changes in the mode of conducting it?—I think so, because I think that Parliament would accept the decision of such a tribunal, though they would not accept the decision of any other tribunal which was not of their own appointment.

680. Mr. *Paull.*] They would resist the introduction of a Bill to carry out a scheme which had been condemned by your Committee?—I would not allow such a Bill to be proposed to Parliament. If Parliament rejected a Bill, or did not countenance to the full extent a Bill which had been sanctioned by the Commissioners, it would of course be open to the parties to propose to the Commissioners that Bill, or an amended Bill, for consideration in another year.

681. But unless the Houses upheld the decision of the Committee, you could

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not prevent a motion for the introduction of a Bill?—Yes, I would. I think that unless you did that you would do nothing. I would say that no Bill should come before Parliament which had not received the previous sanction of the Commissioners.

682. Would your Lordship preclude a Member from making a motion for leave to introduce a Bill?—Yes; I would treat it just in the same way as at present; you cannot now introduce a Bill unless the notices had been given, and certain preliminary steps have been taken. One of the preliminary steps to be taken before a Bill could be introduced into Parliament would be that it should receive the sanction of these Commissioners.

683. The inquiry would be upon the petition, prior to the introduction of the Bill?—The parties would come before those Commissioners with their scheme in so matured a state that it would be capable for the Commissioners to decide upon it, and I think that the effect would be that very few schemes (except very small ones) would be in a condition to be brought before the Commissioners at a very early period; no very large scheme would be in a condition to be brought before the Commissioners at such a period. Whether it would be brought before them in time for them to decide upon it fully before it could be submitted to Parliament is another matter, because it must be borne in mind that the Members of the Commission, being Members of Parliament, could only give partial time to the consideration of schemes after Parliament met, as they would have other duties to attend to.

684. The Committee would go fully into the evidence which the parties might have to offer?—Yes.

685. The same as the Committee now does?—They would go fully into the evidence on all those points upon which it was important to hear evidence; but the real state of the case is, that before Committees an immense mass of evidence is taken which is of no value or worth whatever as to bringing out what the real merits of the scheme are, and therefore an experienced tribunal, like that which I suggest, who would know almost at first sight what were the points which were required to be determined upon by them, would put aside all such questions, and not allow the investigation to go on upon points which were of no value whatever. One of the difficulties at the present moment is that you have perhaps two or three experienced men upon a Committee, but the rest of the Committee have to be informed of what their duty is, instead of knowing what it is before they meet. If you have a body to make the first investigation who know the work fully before the question is entered upon, and fully understand all the bearings of the case, the inquiry comes to be one of a very different character from that which is necessary before a Committee of the House.

686. Mr. *Adair.*] In schemes which went forward, would your Lordship propose to refer to the House the evidence which had been taken upon the preliminary inquiry?—Yes; I think that the Commissioners might report the evidence which they had taken, as well as the grounds upon which they had come to their decision.

687. You would inform the House of the grounds upon which the scheme had been sanctioned?—Of the grounds upon which the one scheme had been sanctioned, and upon which the other scheme had not been sanctioned, in rival cases.

688. That would be in the case of competing Bills; but would you in every case inform the House of the ground upon which the Commissioners had rejected the scheme?—Yes; I think that they should, in fairness, report what schemes had been brought before them; they would say, "A scheme was brought before us for a line from A to B, but upon inquiring into that scheme we found, from various evidence adduced before us, that the financial condition of the promoters was not such as to justify its being sanctioned;" or, "We had evidence before us which satisfied us that a far better line could be taken through the proposed district," and various after-matters.

689. Mr. *R. Hodgson.*] Would this Committee or Commission have the power to hear the objections of existing companies to a projected line as competing with their existing interests?—Yes; I would allow them to hear everything which would enable them to come to a fair conclusion as to what would be

be the best for the public in the district through which the lines were to be taken.

690. Colonel *Wilson Patten.*] Did I correctly understand your Lordship to say, that when a Bill authorised by the Committee appears before Parliament, you suggest that there should then be a Committee to inquire into its merits as at present?—I should propose that if petitions were presented against the scheme sanctioned by the Commissioners there should be a Committee of experienced Members to whom those petitions should be referred, who should say whether the petitioners should be heard at all, or to what extent it would be reasonable that they should be heard. If they reported that it was not expedient that they should be heard at all, the Bill would proceed as an unopposed Bill.

691. Mr. *R. Hodgson.*] That process might go on in both Houses?—That process would, of course, go on in both Houses.

692. Colonel *Wilson Patten.*] Supposing that that Committee decided that the petitioners shall be heard, how do you propose that they shall be heard?—They would be heard before a Committee as at present, but only upon the points on which the Committee which I have suggested decided that it was reasonable that they should be heard.

693. *Chairman.*] In the particular cases (which would be few, in your opinion) where that Committee of the House decided that the objections might be proceeded with, your first inquiry would only be an addition to the expenses?—I think that the inquiry would be so very short in comparison, and would be conducted at so very much less expense, that the whole inquiry before both tribunals would not be nearly so expensive as the one inquiry before the present tribunal.

694. Mr. *Adair.*] Subsequent inquiry would be less frequent owing to the searching inquiry which had been instituted in the first instance?—Yes, because the decision come to would be by a tribunal which the House, I think, would be disposed to sanction.

695. And the House would have the benefit of the reasons assigned for the decision to guide them as to re-opening the case before a Committee of the House?—Yes.

696. Colonel *Wilson Patten.*] I do not quite understand why your Lordship prefers that a new Committee composed, as you say, of experienced Members should decide the points upon which the parties should be heard; I do not see why the original Committee should not decide that question?—Because that body would have come to their conclusion; and I think that it would be satisfactory that when that conclusion is questioned, the determination as to whether parties should be heard against it or not should rest with another tribunal.

697. Mr. *R. Hodgson.*] The effect would be that in that case there would be three, if not four, inquiries; there would be three, if the last inquiry were only conducted in one House, but there would be four inquiries if the opposition were heard in the second House; there would be an inquiry by the original Commission, there would be an inquiry by the Select Committee, there would then be an inquiry by a Parliamentary Committee in the first House; and if the opposition was carried further, and was admitted further, there would be a fourth inquiry in the other House?—But the inquiry before the Committee as to the extent to which the parties should be heard, I should not consider to be an inquiry which would be attended with any expense; they would take up the petitions and see what the parties alleged in them; they would see the grounds upon which the Bill was passed, and, without hearing counsel or anybody upon that matter, they would determine, from the statements made in the petitions, whether it was reasonable that the petitioners should be heard or not, and to what extent.

698. Mr. *Whalley.*] Your Lordship, I believe, is perhaps aware that in the evidence before the Committee of 1858 the same idea of a new tribunal was suggested, and that it was defined by Mr. Becket Denison and others in this way, that it should stand in precisely the same position with reference to Parliament as the present Committees do. It was regarded that the present Committees are, in fact, a preliminary inquiry, conducted at the instance of the two

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Houses, and that if a new tribunal was appointed its report should stand in precisely the same position as the reports of the Committees to which the two Houses would respectively say "Aye," or "No," or refer the matter back. That is not your Lordship's idea; you do not think that the new tribunal should have the same authority to conclude the question as the present Committees? —What I say is this, that I do not think that Parliament would be prepared to give further power to any tribunal at present than that which I propose; and that they would require that the ultimate power of decision upon any Bill which was to be passed should still remain in their own hands. What further powers, after a certain trial of such a tribunal as this, they might be disposed to grant to it, I think would remain to be determined hereafter; but I am quite sure that Parliament, at the present moment, is not prepared to abdicate its power altogether.

699. Am I to understand your Lordship to say that, assuming that either at the present time or hereafter, by experience, Parliament should be disposed to entrust equal confidence to this tribunal as it does to its present Committees, that would be the best position in which it could stand with reference to these matters?—Yes; if, ultimately, Parliament were to come to the conclusion that a report from such a Board as this should enable them to proceed in the same way as they do with a report from the Inclosure Commissioners proceeding by a general Bill with a certain number of schemes, there being an appeal to Parliament upon any portion of that Bill which might be treated separately, I think that it might be desirable.

700. Your Lordship further thinks that the best mode of arriving at that position would be to constitute this tribunal exclusively of Members of Parliament?—Not merely exclusively of Members of Parliament, but that Parliament itself should constitute the tribunal; that it should be a Commission appointed by Parliament itself.

701. In reference to that point you are aware that it frequently happens that a Bill which has been rejected in one Session by a Committee of one or the other of the Houses is brought forward in the following Session. Does it accord with your Lordship's experience that the decision of that Committee in the previous Session has any peculiar weight with the new Committee before which the Bill is brought, my object being to ascertain from your Lordship's experience why it is that a decision by persons who are in the position of Members of Parliament, upon these mere matters of detail, should have more weight, and that there should be more confidence placed by the House in such decisions than in the decisions of persons who are specially delegated to these duties?—I think that the House will not abdicate its own power, and I think that with regard to the decision of the Commission which I propose it would be very different from the decision of an ordinary Committee, because it would be composed of the most experienced Members, or some of the most experienced Members of both Houses, and of them exclusively. The decision of the ordinary Committee in many instances may be by no means what you would call of the strongest part of that Committee; the Committee may be three to two in its decision, and the casting vote may be by the least valuable Member of that Committee who decides against the measure, and the sense of the Committee may really have been in favour of passing the Bill. I do not think that that would be the case with the decision of such a tribunal as I propose.

702. Although inclosures and other matters, and a great many classes of business which formerly required Acts of Parliament, I will assume are quite different in their nature from railways, yet a great number of classes of public business which formerly required Acts of Parliament have been delegated to other tribunals, such as we are speaking of; is it your Lordship's opinion that Parliament has ever found reason to regret having parted with such jurisdiction or such power of inquiry into those details?—I think that all the cases which are suggested are entirely different from that of railways. The question of inclosure after all merely concerns a certain number of people who wish their property to be dealt with in a particular manner; the majority of those parties bind the minority as to coming to a division of lands, and the sole question then is the appointment of the commissioner who is to do it by the parties themselves; the commissioners to whom the matter is referred are merely a tribunal to refer to, and to see that all things are carried on in accordance with the

the Act of Parliament; but that is a very different matter from such a thing as a railway scheme, which is to take other persons' lands compulsorily for the private advantage of the promoters, to run a line through their property, which may or may not be the most advantageous mode of affording a communication to the district, and to raise money to a very large extent, entrusting great powers of that character to persons who may or may not be competent to do justice to the matter; I think that there is no class of measures which stand upon at all the same footing as railways.

703. Are there not in every inclosure considerable public interests involved, allotments for recreation and allotments for various public purposes, also the boundaries of counties and the boundaries of parishes, involving very great interests; many thousands a year within a few months passed (mentioning my own experience) to a large landowner in Wales, were involved in the settlement of an inclosure. At all events, are there not public interests of very considerable importance to a district frequently involved in these inclosures?—I think that the public interests are very small; the public interests are really confined to the best mode of setting out the roads in the inclosure; and as regards the recreation ground, if there is one to be set out, it will naturally be put near the town, or village, or place which is to be benefited by it, and the Commissioners would probably get roads set out at convenient points. With regard to the rest, it really is simply that parties having a great deal of land most unprofitably mixed in common, come to the conclusion that it would be desirable to have it set out in the manner most convenient to all parties. Of course, some may think themselves less well treated than others, and there will be a difference of opinion in every arrangement of the kind, but still it is a settlement of their own private interests between certain individuals, upon which comparatively a small amount of consideration is necessary, but which cannot be dealt with unless all are made in some way assenting thereto.

704. Such as they are, the several inclosures have been carried out under this Act since it was passed in 1845, and many questions have arisen; are you aware that in any single instance Parliament has been put to any trouble or inconvenience, or has expressed by its vote, or even in discussion, any regret at having parted with that which, great or small, was formerly as much a subject of contention comparatively as these railways?—I deny that the subject of Inclosure Bills was a matter of contention; there was very rarely anything of what you would call an opposition to an Inclosure Bill; it was a great expense to parties to obtain a Bill, but when a sufficient number of assents had been obtained to justify the introduction of a Bill into Parliament, I do not believe that a Bill for an inclosure was ever rejected.

705. Colonel *Wilson Patten.*] Of all the Bills which have come before Parliament, there have been fewer Inclosure Bills subject to opposition than almost any other class of Bills with which your Lordship has been acquainted?—Exactly so.

706. Mr. *R. Hodgson.*] You do not propose to refer any other Private Bills but Railway Bills to the Committee which you have suggested?—Certainly not.

707. Mr. *Liddell.*] Would your Lordship propose that any new General Act should be framed to regulate schemes to be presented to the Preliminary Board of Inquiry, or that a compliance with existing Acts should be sufficient?—I do not know that I exactly understand the bearing of the question.

708. There are certain Acts at present in existence which, I believe, regulate all railway schemes; the Lands Clauses Consolidation Act, and Acts of that sort?—Your question, I suppose, is intended to elicit whether I consider the Lands Clauses Consolidation Act, the Railways Clauses Consolidation Act, the Companies Clauses Consolidation Act, and those Acts which are generally incorporated in private sufficient, or requiring addition.

709. Quite so?—I think it desirable that some addition should be made to those Acts, precisely upon the principle on which they have been framed, namely, that it has been found that a certain number of clauses not provided for in those Acts are stereotyped clauses, which it is necessary to insert in Bills, I would not touch those Acts themselves. I would not propose to repeal, and consolidate, and renew those Acts, because they have worked astonishingly satisfactorily, considering the extent and nature of their

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provisions, and everybody understands them; but there are certainly some few clauses which appear in every Bill, which it would be advantageous to insert in a General Act; it would very much shorten Bills, and shorten the labour of those who have to attend to see that those provisions are put in in the usual form, instead of fancy clauses introduced upon the matter; but, subject to that, I would have the Bills drawn in the same form as they are at present, when they were submitted to Parliament for their sanction.

710. *Chairman.*] You would extend, in fact, the Consolidation Acts, and so improve the frame of Bills brought forward?—Yes; for instance, the Lands Clauses Act of 1860 has been added to the Lands Clauses Act of 1845; it is incorporated in a few words, "The Lands Clauses Act, 1860," and saves the insertion in a Private Bill of a great number of clauses, especially those enabling landowners, under a disability, to allow their lands to be taken for a rent. There is an omission in that Act, whereby easements cannot be granted for a rent; you are obliged to put in a clause in Bills where easements are proposed to be taken, that the provisions of that Act shall extend to easements as well as lands. That is an instance where a little further application is necessary.

711. Mr. *Liddell.*] You conceive that such a General Act should regulate the framing of all schemes to be presented to the Preliminary Board of Inquiry?—I think that all projects should be supposed to embody those Acts. We all know that here and there there are special clauses required in a degree modifying those Acts for some particular purpose, but those, of course, are clauses requiring particular consideration, as to whether they should be admitted or not; and the case would come before those Commissioners as to whether any special provisions of any sort or kind should be granted to the company.

712. To go to the second part of the scheme, am I to understand you to say that your wish is that the Preliminary Board of Inquiry should define the points upon which parties should subsequently be heard before Parliament?—No, I think that they should determine what they thought was the form in which the Bill should be submitted to Parliament; that they should determine what the scheme should be. Then, I say, that if parties petitioned Parliament to be heard against that scheme in any way, there should then be an inquiry before a Committee of experienced Members to say whether there was any reason in the grounds alleged in the petition why the parties should be further heard before Parliament.

713. Mr. *Whaliey.*] With reference to other classes of public business which have been delegated to other tribunals, does it accord with your Lordship's experience that Parliament has not seen any reason to regret having so done. I will read to your Lordship, from a paper which has been delivered in by Mr. Rickards, the cases in which that course has been pursued. "By the 19th & 20th Victoria, chapter 120, the power of dealing with settled estates, which up to that time had been exclusively exercised by means of Estate Bills, was handed over to the Court of Chancery. Inclosure Bills have been superseded by the powers given to the Inclosure Commissioners; Divorce Bills by the Divorce Court. The establishment and regulation of Joint-Stock Companies are provided for by Public Acts. The Public Health Acts, and more recently the Local Government Act, 1858, have invested the Secretary of State, acting on the requisition of the local authorities of towns, with large *quasi* legislative powers, extending to almost every object previously attainable only by Private Acts, and including even the compulsory purchase of lands, subject only to a confirmation of the Provisional Orders by a Public Act of Parliament. This measure has gone very far to supersede private legislation, so far as regards the local management and sanitary regulation of towns, heretofore effected by 'Improvement Bills.' Still more recently the construction of piers and harbours has been in certain cases made practicable without applying for a Private Bill." Is there any reason to think that the delegating of that numerous class of business to another tribunal has been attended with any inconvenience to the public or to Parliament?—I am not aware that it has been attended by any inconvenience to Parliament. In some instances I think it has been attended by inconvenience to the public, because I find in a great many instances that the parties, after having tried the application of the Improvements Acts, have had to come to Parliament to put matters straight when they wanted to do anything in the least out of the general

general and ordinary way. But allowing people to deal a little with their own matters in their own town or place, is a very different thing from allowing parties to deal with the interests involved in a Railway Bill.

714. Your Lordship seems to contemplate that when the question, by means of this preliminary inquiry, should ultimately come, if it did come, before a Committee, the previous inquiries would have the effect of diminishing the number of questions to be gone into before the Committee?—Yes.

715. Does it accord with your experience that the means of opposition which the great companies rely upon in these matters consists chiefly in continuing the inquiries, in multiplying the issues, and in putting the small companies, such as you refer to as having been got up by contractors and other persons, to such an expense as really to extinguish them by that means when they are unable to meet them upon the ground of competition. Does it accord with your experience that that is one of the recognized modes of warfare resorted to by the large companies?—My opinion is, that both the large companies and the small companies would equally gain by being brought before an experienced tribunal, and that one of the reasons why there is such an expense incurred is, that there is a little lottery about the decision of a Committee which they rely upon in a great degree as inducing them to carry on an opposition. I think that if they knew that the inquiry would be brought before persons who would understand the whole question from the moment that it was first ventilated before them, and that all the little trumpery matters which they now bring in for the purpose of misleading the committee would not be listened to for a moment, they would not think it desirable to carry on the opposition which they are now induced to take up.

716. I may inform your Lordship that the evidence of Mr. Booth was, that objections on the ground of competition by the large companies should in no case be allowed; that there should, in fact, be a free trade in railways; that being so, of course it obliges the large companies, if they desire to retain traffic which some new project is likely to take from them, to have recourse to some other means than raising the argument that they will lose so much traffic. Under those circumstances is it not a natural thing to expect that a large company would take advantage of any tribunal before which they might have the opportunity of going to put the small companies to a very great expense under the guise of landowners, or details of any kind which they could raise?—I may say that I differ altogether with Mr. Booth's proposition of free trade in railways. I think that it is by no means desirable that a railway should be adopted merely because it is proposed, and because parties are prepared to carry it out. I think that every railway ought to be carefully examined as to whether it is that line which is most likely to be beneficial to the district through which it is proposed to be taken. For instance, Mr. Booth, it appears, would be quite ready to sanction a line of 12 miles through a district which a line of six miles would amply, and perhaps more fully, accommodate. He says, if parties are prepared to find the money to make the 12 miles of line, why should they not do it? I hold that that is a most objectionable conclusion to come to, as all parties who live at the extremity of the line would have to pay for 12 miles of carriage of every article instead of six, and would be subjected to additional expense in consequence of it. Mr. Booth would not allow parties to be heard as saying that a line would be prejudicial to their interests as offering undue competition without affording any comparative advantage to the public. I think it is desirable that that very question should be heard, because I am quite sure that we may beggar railways to such an extent that good service cannot be rendered upon them. At the present moment there are many railway companies who are so pressed with regard to the expense of carrying on the working of their lines in comparison to the profits which they raise from them, that if they could give up affording that accommodation to the public which they do at present without being altogether sacrificed, I have no doubt that they would render far less convenience in point both of speed and of accommodation; and I think that that is one of those matters which require very careful investigation as to the manner in which railway accommodation is to be afforded through a district, so as to enable it to be afforded in really a complete and satisfactory manner, and almost even in a safe manner to the public. One of the first operations of economy upon lines is giving up the proper number of attendants at

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the different stations, and from which so many accidents have arisen. These are all points which I think require the most careful consideration. Then, again, Mr. Booth would not allow a landowner to appear upon any general objection to the line, but only so far as it affected his own property. I will instance a case in which one of these circuitous lines may be taken by parties, because they wish a station upon the line to be brought by that circuitous route near themselves; a landowner may not be able to object to it as being any peculiar prejudice to him, but he is prepared to show that another line which would give him a more convenient station, and be a better line for the public, is the one which ought to be adopted. I think that both the public and that landowners have a perfect claim to be heard upon a subject of that kind, and that they should not be debarred from bringing their case before the tribunal who is ultimately to decide upon the line; and one reason why I object to anything being transferred to any tribunal which has not the Parliamentary support that such a tribunal as I suggest would have, is the very question of the rejection of lines. I do not think that any such tribunal would feel themselves strong enough to reject lines; and that seems almost to be Mr. Booth's idea. He says, "If a line is proposed, and parties are ready to carry it out, I think that the line ought to be granted." I should be very sorry that any such arrangement should be come to without taking more care that the public are properly served by the lines which are proposed.

717. What I desire to suggest to your Lordship is this: If by your plan, after any preliminary inquiries, whatever the matter comes before a Committee of the House, is it possible to suggest any means by which the discretion of that Committee can be controlled, as regards the experienced counsel employed by these great companies going into any amount of details, any questions whatever which are ever so irrelevant, just as they do at the present time. It is only after the evidence is taken that it appears to be irrelevant; at the time when it is, it is pressed, not with any expectation that it will affect the decision of the Committee, but merely to put the opposite side to expense; is there any means, after the preliminary inquiry, of strengthening the tribunal (which is a great cause, according to Mr. Hope Scott, of this grievance) under your Lordship's plan, which does not exist now; I mean by strengthening the tribunal, inducing it to adhere to certain fixed issues?—I think that a great deal of power of controlling those sort of inquiries does exist in the Chairman particularly, and also in the Committee; and as you would have much fewer inquiries, you would have in general most efficient chairmen; and I think that after they were particularly instructed that only certain points were to be investigated before a Committee, you would find that it would be comparatively easy to do it. It is because, at the present moment, there is no limit laid down as to what the inquiry is to be before the Committee, that you are obliged to hear so much.

718. Your Lordship objects to lines being got up by contractors and persons of that kind for speculative purposes, and you consider that that is one of the evils of the present system; do you not consider that the present system, which subjects new projects to unlimited expense in the way of opposition, and the course of proceeding is one of the reasons why these enterprises are now, for the most part, initiated by contractors and other parties for speculative purposes?—I think that the manner in which railway speculation has been carried on has taken away the desire of the public generally to have much to do with it, and unless they are a little concerned in the thing, they are not so very much disposed to lend support to it as they were in 1845, when everybody was rushing to get railway shares in almost any scheme which was promulgated.

719. Has not the repugnance to have anything to do with railways increased simultaneously with the extreme desire for the acquisition of these railways; have not railways become a necessity in many parts of the country which are unsupplied with them, both as regards towns and agricultural districts?—Where any scheme has been properly got up by any responsible parties, I think that it generally receives its proper share of support, not altogether at first, but as it progresses. There are lines which are being constructed which are likely to be finished upon the first capital which was proposed, though they are very few. I would mention, for instance, the direct line to Inverness, as it is called. I believe that that line will be finished within the sum given by Parliament upon

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upon the original subscription, and by money found upon that original subscription, it being a line which has been much supported by the district through which it passes; and I believe that you would find generally that that would be the case if it was known that lines were of a sound character, and not got up for merely speculative purposes, and by parties who were to gain their own benefit by them. A contractor gets up a line because he thereby manages to get the contract; and when we know that some of the contractors have within a period of 20 years made above a million of money, we may see what benefit is to be got from contracts as they are entered into by companies with these parties. That those persons should be desirous of promoting a Bill in order to employ their plant and other things which otherwise would be idle is perfectly and readily understood; at the same time they may not be able to show any real capital upon which the scheme could be properly brought forward at that period, however good. What I want is, that a scheme should not be adopted or sanctioned till there are parties interested in it who are competent to see that it is carried out in a manner which has been sanctioned by Parliament.

720. The only evidence which you would accept of parties being interested in the scheme would be, I presume, that they would take shares in it, and become liable for the expenses?—Yes; I am inclined to think that the subscription contract, if it had been properly attended to, and if it had been allowed to be a little investigated, and fairly investigated, was a better protection than the present one, because the parties did bind themselves for the sums which they put down. Now, a great number of the leading contractors have very great shyness in signing a subscription contract, unless they are satisfied that the other parties who have their names down to the subscription contract are good for the sums for which they are put down; a contractor, if he is satisfied that a subscription contract is good, and that out of a scheme of 100,000 *l.*, there are names down, we will say, for 50,000 *l.*, will be ready perhaps to put down his own name for 30,000 *l.* upon it, because he feels that there is money to back the concern, and that it will go on well; but if he sees merely a paltry lot of names down for sums which he knows that many of them cannot produce, he says, "No, I will not venture to put my name down for 30,000 *l.*, or for 10,000 *l.*, in such a concern as that, because I think that very likely we shall get into embarrassment, and that I shall not be paid for the work which I shall be obliged to undertake."

721. I will state an actual case which occurred; a line of railway from Oswestry to Whitchurch of 18 miles was projected; you say, that you would take as a test of the *bonâ fides* of the project, the number of *bonâ fide* subscribers to it?—As one test.

722. In that particular case it so happened, as is known to gentlemen at this table, that when it came before Parliament, and not till then, it became known to the promoters that they would have to encounter a most violent opposition on the part, say, of the Great Western Railway Company, on account not exactly of competition, but of its affecting them. Under those circumstances, that being a possible objection to every new project of this sort, it is not reasonable to suppose that gentlemen of substance would hesitate to make themselves liable for the expenses incident to an enterprise, when one of those expenses has nothing to do with the works or with anything which they can forecast; they do not know where opposition may spring up, but when it does spring up, after they have incurred the expenses of the surveys, and the whole of the preliminary matters, they are drawn on from day to day and from week to week, and in that case, as I happen to know, the expenses with reference to the Parliamentary contest really amounted to from 60,000 *l.* to 80,000 *l.*, for merely the preliminary powers for making a railway 18 miles in length. Under those circumstances how can it be expected that *bonâ fide* persons will, however much they may require a railway, become subscribers or originators in the case, and that it shall not fall into the hands of mere speculators and contractors, and persons of that kind?—It is because of that very state of things that I desire that a part of the jurisdiction should be transferred to another tribunal; and my belief is, that if it was transferred to such a tribunal as I suggest, being, as I hope, one which would receive sanction from Parliament to the extent which I have suggested, parties would be induced to enter into the scheme. For instance, supposing that they dreaded an opposition from the Great Western Railway Company, if it was right that the Great Western Railway Company

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should have some facilities, or some junction with the line, the landed proprietors and the inhabitants of the district could have no objection to it. Another railway company may have an objection to it, and persons are now obliged very much to put themselves into the hands of one company or another in order to get the matter brought forward at all. But I think that you would find parties ready to come forward and subscribe, if they knew that the matter being brought forward, be it by one company or by another, if the opposition was raised by another company saying "We ought to have a fair share in the use of that line," that question would be decided by such a tribunal as this who would say, "You are entitled to a fair share of that line," or "You are not;" and that then the question being so decided would go before Parliament, and be settled without any of that 60,000 *l.* expense.

723. Your Lordship may be aware that it forms a part of the French system of legislation to decide upon the expediency of a railway, as it were, in two sections; first, they decide that a railway is required between A and B, say between Oswestry and Whitchurch, that it is expedient for the public advantage that such a railway should be made, and only when that question has been decided, are those who promote the line put to the very heavy expenses of the surveys, and so forth. Would your Lordship be willing to adopt some such reform as that here?—I do not think that it would be at all impracticable with such a tribunal as I suggest. I think that very likely in many cases that would be the first application to the tribunal as a general scheme, saying, "We do not intend to bring it before Parliament next Session, but such and such a plan is originated;" and notice being given to all parties that such a plan would be pretty fully considered by the Commissioners, they might get a sort of *primâ facie* sanction to the thing provided, that certain provisions could be made for carrying it out as to capital, and as to finding a good line, and a variety of other matters; but the parties could not come before the Commissioners with a scheme without having investigated some of those matters in a certain degree before hand, and being able to lay before them at all events the practicability of the proposed line.

724. The object, as stated by your Lordship, being to induce gentlemen of substance to take up the scheme, you think it an advantage that those persons should be able to have a decision upon the first question as to its being a line really wanted for the public necessities before being put to the expense of surveys and the heavy expenses of lawyers and engineers, and other persons, in carrying out the details?—It is very hard to give decided answers upon merely speculative questions; but I presume you mean that there being a communication through a country in a certain direction, it might be possible for parties to ask for a decision as to whether another line not precisely through the same district, but communicating with the same termini, would be a line which would be sanctioned, or ought to be sanctioned. I do not see how else it would apply. If you mean as to the general question whether a line from A to B, there being no communication between A and B before, is likely to be beneficial, I think it may be presumed that it will be so, unless it comes into undue competition with some other line.

725. What I mean is this, that certain persons desiring to promote a line from A to B (say from Oswestry to Whitchurch), before they incurred the expenses of the survey, and of the notices to every individual landowner, and all those details which involve so large an expense, would desire to have the question settled whether that line from Oswestry to Whitchurch would be one, so far as the preamble of the Bill was concerned, entitled to the approval of Parliament, and that being ascertained, they would have a provisional order, stating that a line from Oswestry to Whitchurch was a desirable measure, and upon that they would proceed to have the surveys completed, and all the expenses incurred, whereas at the present time, before they can have that primary question settled, they have to incur many thousands of pounds expense, and the natural result is, that persons of substance decline to originate and to be responsible for these projects in their initiation, and they naturally get into the hands of solicitors, engineers, and so forth?—I think that if there is no communication between the places, it may be presumed, without any preliminary inquiry or any statement from an authority of any kind, that it is expedient that there should be communication between those places. If there is an already existing communication between those places, it certainly may then be a question

tion whether another line of communication is justified between those places. I do not think that this could ever be fairly submitted to the decision of the Commissioners, unless the definite scheme which was proposed to be formed was brought, at all events, in a general way, if not in considerable detail, before them, because a line looks very nice drawn on a map through a country, but when you come to inquire into what the difficulties of the country are with regard to gradients, and a variety of other matters, it may not be such as to receive sanction. I do not think that I can give an answer upon questions which are so purely speculative as that; but I think that you would find that if parties knew that their scheme was a good one, and was one which ought reasonably to obtain sanction, they would have great confidence in going before such a tribunal as that which I suggest; it would not be such a risk as coming before a Parliamentary Committee, in which, as I say, the decision of the weakest Member may be the one which may determine the question.

726. Mr. *R. Hodgson.*] With respect to the employment of counsel, does your Lordship think that there would be an advantage or a disadvantage in a limitation by the Houses of Parliament of the number of counsel by whom the parties on each side should appear?—I think that that would be very difficult under the present system of the great number of oppositions; parties are obliged to engage a great number of counsel, because they do not know how they may be employed, and therefore they must have somebody to appear before the Committee. I think that whatever inquiry was allowed to be conducted by counsel before the tribunal which I mention, which would be a single tribunal, it would be perfectly easy to limit the number to two on each side; I do not think that there would be any necessity for allowing more.

727. Mr. *Adair.*] Would your Lordship grant costs in the case of this preliminary inquiry?—I am in favour of costs to a certain extent; it is a very difficult question, but I think that some allowance of costs might be advantageous.

728. Are costs, in your Lordship's opinion, a means of deterring people from promoting speculative schemes?—We never have had them, and therefore we do not know; I do not see that expense is a thing which deters people from carrying on opposition.

729. It has been found to be the case in the Election Committees of this House that the allowance of costs has a beneficial result in that respect; and, arguing from that, it might also be the case in the promotion of railway schemes?—It might be so; and in the case of such a tribunal as I suggest, there might be confidence in allowing them to award costs. But at the same time there is a great deal of legitimate opposition which, if it is only carried to an extent which is just and legitimate, I think I should allow parties to carry on without having costs awarded against them; I would not render it a necessary conclusion, that because an opposition has proved unsuccessful, therefore costs should be awarded against the parties; and when that is to be a matter of discretion, it is one which requires a very great deal of consideration.

730. Mr. *R. Hodgson.*] In a case where a scheme has been brought forward and rejected in one year, and is again brought forward in the next year and rejected again, do you think that it would be judicious to give a power to the Committee to award costs?—I think that it would be a very fair *primâ facie* case for awarding costs, or costs, at all events, to a certain extent. But the more you consider the question of costs, the more difficult I think it is in these investigations to determine the manner in which you would allow them.

731. Mr. *Paull.*] Your Lordship anticipates that before the tribunal which you suggest the inquiry would be comparatively short?—Very short.

732. Possibly not going beyond a second or a third day, and generally completed in one day?—I think that very few cases would require more than three days' investigation before such a tribunal as I suggest. By the arguments for or against the Bill being brought before the parties in writing in the first instance, so that they would be fully cognisant of all the points, and would know, after consultation among themselves, what were the real points which were justly at issue in determining the question, I think that they would conduct the inquiry in such a manner that it would come to a very rapid conclusion. I find that if there is a dispute between parties, which I know would take

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perhaps one or two days to hear, and they agree to come and have it settled before me, it is very often settled in half-an-hour.

733. The tribunal would sit for six, seven, or eight hours?—Yes.

734. They would pursue the inquiry as long as the day permitted?—Yes.

735. Colonel *Wilson Patten.*] Supposing that the whole of your Lordship's plan should not be adopted by Parliament, would you prefer to the present tribunal a Committee such as you have recommended, simply as a Committee, and with the same powers as our present Committees have?—I do not think that it could do the work. If you were to wait till the Bills were introduced, and the competing schemes were all before Parliament, and if all the petitions were to be heard, I do not see how one Committee could get through the whole of the business in the course of the Session.

736. Suppose that it was a permanent Committee, of course regulations would have to be made in order to enable it to sit when Parliament was not sitting; supposing that two Members of the House of Commons and a Member of the House of Lords were to be constituted into a Committee to sit permanently, and to hear all railway cases, for instance, and merely to report their opinion as our Committees do at the present moment, should you prefer that system to the system which now exists?—Do you mean that their decision should be final, without parties being capable of being heard again upon the subject under any other circumstances?

737. Yes; that their report should be in every respect similar to the reports of the existing Committees?—It seems to me that what you propose is very much like what I propose; I do not see what the difference is. I have said that I think that ultimately, if confidence could be placed in that tribunal, their report with regard, at all events, to a very large number of measures which would come before them might be treated in the same way as the report from the Inclosure Commissioners, and that the schemes would be sanctioned by a general measure, exception only been taken to them here and there; but I doubt whether at the present moment Parliament, without the trial of such a tribunal, would be prepared to sanction such an alteration of the existing practice.

738. But your Lordship will observe that your recommendation contains this provision, that when that Committee has reported that a Bill should be allowed to be introduced into Parliament, shall go to another Committee in case there is opposition to it, to decide on what points parties shall be heard, and that when that Committee has reported, there shall be a third Committee to decide upon the merits of the Bill?—No; that there shall be a Committee to consider the petitions which are put in, and as to whether those petitions should be heard at all. On reading them and seeing the points to which they referred, and the reasons which they gave, the Committee would decide whether the petitioners should be heard upon those points, or partially heard, or in what manner. In general, I believe that the conclusion would be that they should not be heard at all, and I believe that it would be very soon found that the decision of the tribunal which I suggest would be accepted, and acquiesced in without any further opposition.

739. *Chairman.*] As I understand your Lordship, this is the material distinction between Colonel Patten's proposal and yours. You would give this preliminary Committee actual power in certain cases, so that their decision as to what schemes should go forward, and what should not go forward, should be final; in that would consist the virtue of the measure; otherwise I understand your Lordship to mean, that it would be merely a preliminary inquiry in addition to all the other inquiries?—Yes; I propose that the tribunal shall have the power of saying, "Your measure shall be stopped altogether;" that, in fact, their sanction shall be necessary to the introduction of any Bill before Parliament. They might reject the scheme as being incomplete; they might reject it as not having sufficient funds; they might reject it as being the worst of two proposed; they might alter it, or do what they pleased with it, but what they would submit to Parliament would be what they thought a perfect measure for the communication which was sought by the scheme.

740. Colonel *Wilson Patten.*] Does your Lordship believe that a court, consisting of three members, if it were to sit permanently during the whole year, would be competent to take the whole railway legislation of the country?—Yes; with the

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the greatest possible ease to the extent of deciding what should go on, and what should not go on.

741. Supposing that a Commission were appointed with full powers to decide upon the questions as our Committees do at the present moment, investigating fully the case from first to last, do you think that one tribunal would be sufficient for the whole?—I think that one tribunal would be sufficient. In the first place, the whole of the Railway department of the Board of Trade must be placed at the disposal of that tribunal. With regard to level crossings, and all those investigations which are now carried on, they should have the same assistance in the conclusions which they come to, as that which is now afforded by the engineers employed by that department. They should also have the power if a question arises as to the advantage of this or that line, or any suggestion with regard to a deviation, to send down one of their engineers to report to them upon that matter; what I think desirable is, that there should be some tribunal which should have a chance of securing to the public the best lines of communication through the different districts which are to be affected.

742. There is one suggestion which your Lordship has made, and which I think is a very valuable one, namely, that each party in the first instance should be obliged to state their case in writing. Supposing that the present system should be continued, does not your Lordship think that there would be a very great advantage in the present system, if each party were obliged to give in their statement in writing of what their case is, and if what are called pleadings in a court of law were arranged previously to the hearing before the Committee?—I think that it would be extremely desirable, and particularly if coupled with the regulation that the counsel should be debarred from making any opening speech on either side; that would generally save about three hours on each side at least.

743. *Chairman.*] Have you any further suggestions to make, as to an alteration of our present system, except the constitution of this preliminary tribunal?—No; I would make one remark. We had a Committee in 1858 upon this subject in the House of Lords, who made a recommendation which has been before commented upon, I believe by Mr. Rickards; at least it was in a paper which was drawn up by him which I saw, namely, enabling Committees on an unopposed Bill to be dispensed with. The Committee of 1858 recommended that the evidence taken before a Committee on an unopposed Bill in the one House, might be communicated to the other House, and serve the purpose of the Committee there. I understand that it is the practice in the Commons (I do not know whether I have been rightly informed) not to take evidence upon oath, except before opposed Committees; that upon an unopposed Bill the evidence is not taken upon oath; consequently we have never, notwithstanding the recommendation of that Committee, been able to accept the evidence on unopposed Bills communicated from the Commons. If the evidence on unopposed Bills in that House was taken on oath, the same as it is in our Committee of the House of Lords, there certainly would be no objection on our part to receive the evidence taken before the Committee of the House of Commons, and would be a very considerable saving of expense to the parties. I should hardly be for doing away with the Committee altogether. Amendments which are to be introduced, are there introduced very easily; and I have a great objection to third reading amendments. I always like a little pause upon alterations before a Bill is passed; and moreover, we always require in our House third reading amendments to be printed, which is a little additional expense, and therefore they could be just as well or better introduced in Committee. I should not be for giving up the Committee, but I should be very glad that we should be able to receive the evidence taken before the Commons' Committee on unopposed Bills, and on opposed Bills the evidence which is required as to mere matters of form.

744. Colonel *Wilson Patten.*] You are aware that in the House of Commons amendments on the third reading are not now allowed?—Then, you have a stage in the Commons which we have not in the Lords, namely, the consideration of the Bill, on which you introduce amendments.

745. *Chairman.*] A certain portion of Bills opposed in the Commons are also opposed in the Lords. When parties think, for instance, that although they

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may have failed in the Commons, they have a chance of succeeding in the Lords, they renew in the Lords an opposition which has failed in the Commons, in a certain number of cases, do they not?—Yes, in a certain number of cases.

746. Is that a large proportion of cases, or a small one?—They are the most important cases.

747. It has been objected, that to have had inquiries, and to have to prove the same things twice over, is not satisfactory; that one Committee might be formed from the two Houses, which would be adequate for the inquiry, without having a double inquiry; and it has been suggested that there should be a joint Committee composed of two Peers and two Commoners, with the Chairman, a Peer or a Commoner, as the case may be, according as the Bill originated in the Lord or in the Commons; have you thought at all of that project, and whether it would be satisfactory?—As taken in connection with the existing state of things, I am not in favour of a joint Committee. I think that a double inquiry in some cases is reasonable and fair; there is just as much chance of an erroneous decision being come to by a joint Committee of Lords and Commons, as by a single Committee of Lords or Commons, and in many cases I have known advantage to arise from the case being reheard before another Committee, and I think that it is satisfactory to the parties to have the power of taking a second decision.

748. Of course that materially adds to the expenses which the promoters of undertakings have to incur?—No doubt it does, and that is one of the reasons why I think that unless you have some alteration in the system of proceeding so as to make it other than that by Committees in the House during the Session, you cannot effect any very material improvement upon the present state of things.

749. Do you think that the arrangement which is now in operation of some Bills originating in the Lords and coming down to the Commons, and of others originating in the Commons and going up to the Lords, has given satisfaction?—I believe that it has given satisfaction in some respects, but I am sorry to say that I think that it has rather increased opposition. At the present moment (I do not know whether it was by an ingenious contrivance of those who selected the Bills to be sent to the Lords that we should have as many opposed Bills as possible) our proportion of opposed to unopposed Bills is unusually large.

750. But upon the principle that an opposition is not generally renewed in the Lords, which has been carried on in the Commons, would it not be the case that there would not be opposition in the Commons to a Bill which had been opposed in the Lords?—I hope that the opposition in some cases will die off when the Committees are appointed, and that it may cease, but at present my own opinion is that there has been a little more opposition created by the change in the system.

751. You think that the arrangement has increased the whole amount of contested business?—Yes.

752. Mr. *R. Hodgson.*] Do you think that it would be a salutary check if where an opposition was renewed in the second House after being unsuccessful in the first, there were a power in the Committee of the second House to give costs?—I should give the same answer as I gave before, namely, that I am not opposed to the principle of allowing costs in certain cases, but that I think it extremely difficult to lay down any rule to govern decisions upon that subject, and that I do not think that a Committee as at present constituted would be a proper tribunal to determine the question whether costs should be awarded or not.

753. I am supposing that the decision is the same in the second House as in the first?—I cannot lay it down as a positive rule that because an opposition has failed in the two Houses, therefore it was altogether unjustifiable. I think that there are some cases in which you might allow costs to be awarded, because I think that sometimes hardship is done to individuals. Where a man has opposed a line as being injurious to himself, and has been successful in one Session, and yet has that scheme brought forward against him in another Session, and has to come again to defend his property at a very considerable expense, I think that you might lay down the rule that if the promoters of the scheme were again unsuccessful costs should be allowed, because I think that there is some hardship in those cases against individuals.

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With regard to companies, there really is so much to be said on one side, and so much on the other, that I do not like to give an opinion as to any positive rule upon the subject.

754. Of course I must be understood to suggest, not that in such a case as I have mentioned the costs should be given as a matter of course, but that it should be in the power of the Committee to award them if they thought fit?—I am hardly prepared to say that I should like to entrust to the Committees of either House, at the present moment, the question of adjudicating, with regard to costs, to an unlimited amount, in all cases, upon the Bills which came before them. I think that possibly some arrangement with regard to costs might be desirable; but I have never yet been able to devise anything which I think would be a safe rule upon that subject.

755. Colonel *Wilson Patten.*] In the case which your Lordship has just mentioned, of landowners having costs, would there not be this difficulty, that the practice now is for one company to take possession of a landowner's case, and to urge it for him; is not that the usual way in which the thing is done?—In some instances it may be so; but where a man complains of residential injury, or of injury from which he is fairly entitled to protection, and urges that the company are bound to find some other way of carrying their line so as not to inflict that injury upon him; I say that that man ought not to be beaten down by the repeated power which there is in companies to come, Session after Session, and ask for his land to be interfered with in a way from which he has been declared to be entitled to protection; individuals really cannot stand it; and in those cases I think it would be quite justifiable to say that the full costs should be awarded if the application was again rejected by Parliament. The effect of that would be, that that application would never be again made.

756. Mr. *Adair.*] Would you not carry it further and say that when a company had brought forward a scheme in one year which had been opposed by another company and rejected, and the same scheme was brought forward by the same company in a second and third year with the same result, the company so opposing should have costs against the company so promoting, no fresh reason for the line being produced?—I think that in many cases it would be very desirable that there should be costs; but I do not think that you could lay down any positive rule upon the subject. And then, again, I say, that I have never yet felt satisfied that every Committee before which that question might be raised would be a proper tribunal to decide as to what costs should be allowed; and that is the difficulty which I feel; I think that it would be desirable that costs should be allowed in certain cases, but I have never yet been able exactly to devise what should be done, so as to guide Committees on the subject.

757. Mr. *Puller.*] On the subject of costs, is not it a case of hardship in which costs might fairly be given as a general rule where a company serves a landowner with notice, obliging him to appear before a Committee, and when he comes into the Committee-room with his counsel and witnesses all ready, the Bill is withdrawn; would it not be reasonable that such a landowner should have his costs?—It depends upon the grounds on which the Bill is withdrawn; there may be reason why the Bill is withdrawn, and yet the parties may be perfectly willing to meet the opposition of the landowner as one of the least of the difficulties with which they have to contend.

758. He is obliged to come?—Yes, and the Bill is withdrawn; and so far he has the advantage of getting rid of the scheme for that Session, at all events, at a less cost than if the Bill had not been withdrawn, and the opposition had been proceeded with.

759. I am not sure whether I rightly understood your Lordship to say that you did not think it reasonable that the Committee or the Commission which you suggest should sit during the Session of Parliament; I thought that your Lordship said that it could not be expected that they should give much time to that work during the Session of Parliament?—I do not think that you could require them to sit much during the Session, though they might determine a certain number of cases not fully completed. The Committee which I suggest might be composed of Members taking a very great interest in public affairs, and unable to attend to both matters during the Session of Parliament.

760. I presume that your Lordship would hardly contemplate that the Com-

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mittee should sit during what is called the Law Vacation, namely, a month or two following the prorogation of Parliament, when everybody is pretty well tired out?—There would be few applications very soon after the conclusion of the Session; but I think that the effect would be, that hereafter there would be more time taken in the preparation of measures than there is at present, which I think would be very desirable. At the present moment there are a great number of schemes, of which the surveys are hardly completed in time to comply with the Standing Orders. We had one case before us which we rejected on the Standing Orders, where some of the plans were delivered, I think, a day too late, and the reason given was, because the engineer was ill, and he had only appointed the day upon which the delivery of the plans was required by the Standing Orders to verify upon the ground the plans of the different surveyors whom he had employed. I do not think that that is a sufficient preparation of a measure to come before Parliament.

761. Do you think that it would be practicable for the Commission to get to work earlier than the 1st of October?—I should think that if the persons who accept the office are to be paid for the duty, they must give their time in accordance with that which is to be done.

762. Would they have practically more than four or five months to do all the work?—Certainly not, but I think that four or five months would be more than was necessary.

763. They would have to get through all the same work (in a better way very likely) which is now done by 10 or 11 Committees of the two Houses?—No, I did not think it would come to that. In the first place, I think that when there was that tribunal a great number of schemes would never be proposed; in the next place, I think that, as regards companies you would find that there would be much more arrangement between them, because they would know that they would not have a chance of success in certain measures; I think that it would lead to a great deal of arrangement between companies.

764. With respect to those schemes which nevertheless would come forward, I understand that you do not propose to curtail any of the parties, as to the objections which they would take; you would leave them to take all those objections which they are now at liberty to take?—I would leave them to take the objections, but I would leave it to the Board to hear those objections, or not, according to whether they thought that they were worth anything or not. When a written statement was put in of the grounds for proposing the measure, and also a written statement of the grounds of opposition, and when those statements were freely considered by the tribunal before they met, each having made his notes upon the several matters, they would agree together, and they would say, "We find that these schemes are brought before us as competing schemes; the matter is reduced to the question as to which company, or whether both companies, have a fair claim to occupy the ground; we will hear them as to the grounds which they respectively have given, why they ought to occupy the ground; they have given such and such reasons for it, but we want a little further information upon such and such points." On these matters I would first take the statement of the promoters of the line, not hearing counsel, in order to get a clear idea of what were really the points which the commission had to decide. Then, when they had come to a conclusion upon that question, which would be done in conversation in a very few hours, they would say, "There are certain points upon which you do not agree; we must hear you further upon this subject;" and upon that subject they would hear them. Then perhaps they would come to the conclusion, that decidedly it ought to be the line of one of the two companies, and they would announce that decision; they would say, "We have decided upon that point." Then the only other question into which they would go, would be whether the line proposed by that company was the best line to carry out the objects. If they thought that the line was ill-engineered, and that the other line was perhaps rather the best of the two, they would say to the parties, "We cannot sanction the scheme before us in the manner in which you propose it. You must bring a revised and amended scheme, as we know from what has been brought before us that there is a very much better line to supply the purpose than that which you have proposed." On requiring this, if the parties said "Oh no, we were not prepared to do that," the tribunal would say, "We cannot grant it to you unless you are prepared to make the alterations

alterations which we propose;" and then no scheme would be proposed to Parliament, and the parties would be left to digest the question for another year, and certainly no harm would be done to the public by the delay, which would give them ultimately a much better scheme. Suppose, on the other hand, that the Commission came to the conclusion that both companies should have the line, they might combine both their lines together, and get the best parts out of both, and might say, "We think you ought both to have powers over this line." I believe you would find that, in that way, when there was this tribunal with this power, companies would be very much more ready to come to arrangements of various kinds, and that the investigation would be limited in point of time, as compared with that which now takes place before a Committee, and would be of a very different character.

765. Supposing that there were not such a disposition to be conciliatory, and that at this sort of preliminary discussion the parties were not represented by counsel, they must be represented by somebody, by their secretaries or their chairmen, or some persons?—Yes, or their agents. But if there was that difference of opinion I would hear them by counsel, if it was necessary, and would let counsel examine witnesses on disputed points; I would give the parties every fair means of enabling them to satisfy the Commission on the one side or on the other.

766. Then I understand your Lordship to rely mainly for the abbreviation of time on the written statements put in beforehand?—On the written statements, and upon the character of the tribunal; more upon that than almost upon anything.

767. Would those written statements be merely short heads, pointing out what the grounds of objection were, or would they be full statements of the case of the parties, such as would be contained afterwards, perhaps at greater length, in the speeches of counsel?—I should leave the parties to their own discretion as to the shortness or length of the statements which they would put in. I always find that the shorter a statement is, so that it states the case, the much greater chance it has of being well attended to; but, at the same time, of course, parties may make their case too short. I think you would find that, in the first case put in, they would probably not be more diffuse than necessary, in order to see what objections would be raised on the other side, and they would in a degree reserve themselves for their reply, also to be put in in writing. I would have all these documents communicated to the respective parties, so that every one should have the fullest opportunity of bringing his case in the fairest way possible before the tribunal.

768. If every party was at liberty to put in a statement containing all this sort of objection, and if it was left to his own discretion as to the length which it should be, would there not be a tendency, such as we always see in courts of law, to become rather prolix; would there not grow up a body of Parliamentary pleaders, as it were, whose business it would be to make the statement as complete and as attractive and catching as it could be made?—All that I know is that I am perfectly satisfied for myself, and I believe that every other person who has had to deal with such matters is perfectly satisfied, that a short case is always sure to secure the most attention. If it is well drawn, and if the points are well put, they are all attended to and have their due weight. If they are overlaid with a multitude of rubbish it confuses the person who reads it to such a degree, that perhaps he loses even the good points which are coupled with that rubbish; I therefore think that the parties would really desire to make their cases such as would bring their objects in the fairest way before the Commissioners. If they did not do so I think that they would suffer for it.

769. Does not that answer rather apply to cases in which the written statements are themselves made the grounds of decision than to cases in which the written statements are only the preliminary stage upon which the admission of evidence and the arguments of counsel are afterwards to be based. The great use of pleadings is to limit the counsel to the points which are there stated?—I should of course have the parties limited to the points which were set forth in their statements, in the same way as parties are limited to what they set forth in their petitions; I think that these papers would always be drawn up as that upon which a decision might be come to; I do not say that it would be imperative upon the Commission to hear counsel in al cases, I think that they would hear counsel only for their own information. If they found that the matter

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was not sufficiently set forth and explained, that there was something which they thought might be argued with advantage before them, they would allow that point to be argued; and upon any point on which there was great conflict of statement they would allow evidence to be produced to satisfy them; but I think that it would by no means be necessary that they should either hear counsel in cases which were not of great difficulty, or that they should take evidence upon points on which there did not seem to be any material difference of opinion so as to prevent their holding that they had full and sufficient information upon them.

770. Is it not almost certain that these pleadings would be prepared as other pleadings are, rather by the junior counsel than by the leaders?—I think that they would take very good care that these pleadings, or whatever you call them, should be prepared by persons who were very well acquainted with the facts of the case of the party bringing them forward.

771. If their leaders were limited to the points taken in the pleadings, would it not be the duty of the junior counsel who prepared those pleadings to insist upon every point of which his leader might possibly think it right to take advantage at the hearing; would he not incur a serious responsibility if he omitted any one point which his leader might afterwards think it important to raise?—He might put all those points in, and it might make the document rather long; but I would leave it entirely to the discretion of the Commissioners whether they would hear all those points or not. Many things are put into a petition, for instance, which anybody who reads the petition sees at once are rubbish, and might just as well have been left out; they really have no material bearing upon the case, one way or the other. Those are matters upon which the Commissioners would have made up their minds very early, and they would say, "We see that certain points are conceded mutually on both sides; we all admit that a line is necessary in this district, and that there is every reason for granting it to the one company or the other; the points which we have to consider are, which company ought to have it; which is the best mode of taking the line through the country; whether you have sufficient funds," and so on; "and upon those points we shall make a little further investigation." If, having made that investigation from the parties themselves, or their agents, or those persons brought before them, there was still doubt upon some points as to whether the information which was given was accurate or not, and they thought that there was a necessity for having any point argued before them, they would desire it to be argued before them; but I would not bind them necessarily to hear everything before them by counsel. I would have all the business which was transacted before them public to both parties. I would have all the evidence which they took, and all that was done, taken down, and capable of publication; and even if it was not all published, I would have everything published which both parties desired should be published, in order to be submitted with the Commissioners' Report to the Houses of Parliament.

772. Would you have the court a public one?—Public, at all events, to all parties interested.

773. Do you consider that any system would be satisfactory to the public or to Parliament in which parties should have their land taken without having their counsel heard?—You refer to landowners' objections?

774. Yes?—I think that, in all probability, landowners would be far more satisfied with the decision of such a tribunal as that, and with statements made, without the expense of employing counsel, by their agent attending before the tribunal, and setting forth their just grounds of objection, than they would be with the present system in which they have to retain counsel to attend perhaps for days and days; and then when the Committee are well nigh wearied with the whole business after the preamble is proved, and when the thing is nearly done, a landowner's objection as to the manner in which he is to be treated is perhaps considered, at very great expense to him, and not always in the most satisfactory way.

775. Would the public have any real security that all these written statements had been perfectly read, and properly considered, if counsel and the parties were not at liberty to bring every ground of objection *vivâ voce* before the Committee?—I think that that would very much depend upon the care of the Commissioners in drawing up their report. If they omitted any important matter

matter in their report as being one which had not been fully considered by them, with their reasons why they came to a conclusion on the one side or the other; if that report was of a character which justified the idea that they had treated the matter in a careless way, and not in a careful one, I think that then it would be a very just ground for a demand that there should be a public inquiry before a Committee in Parliament.

776. Would those reports be prepared by the Committee?—By the Commissioners themselves.

777. So far as the reading of these pleadings would be considered necessary by the Committee, it would be a duty cast upon them in addition to all the existing duties cast upon the Committee?—I would much rather read a statement than hear a speech of counsel; in the first place it would be very much shorter, and by being able to make my own notes upon it as I went through it, and to direct my attention to those points which I thought of importance, I should find it much easier to come to a judgment upon the subject than by hearing a very long and sometimes a very wearisome statement from counsel.

778. When you have first to read the pleadings, and then to hear the counsel, then to hear the witnesses, is it not so much in addition?—No; because I would not hear the counsel upon the whole case; I would hear them only upon those points on which my mind was not made up upon the evidence brought before me.

779. Mr. *Paull.*] The statement which your Lordship contemplates would be a document very similar to that which we most of us receive every morning, namely, a statement for the Bill, and a statement against the Bill?—It would be probably fuller than that.

780. Your idea is not that it should be in the nature of a Bill in Chancery?—No.

781. But reasons for the Bill and reasons against the Bill?—Yes.

782. The promoters, and also the opponents of the Bill, railway companies or landowners, would be furnished with copies of the respective statements?—Yes.

783. And having them they would be called upon to endeavour to negotiate or to come to some terms upon the matter, and you contemplate that the parties would frequently settle their differences if they were under the conviction that they had a strong tribunal before which they would have to go, and that if they did not settle the case there they would have to run the chances of war before a Parliamentary Committee?—Yes, I think that they would be strongly induced to come to some amicable settlement.

784. Mr. *Lowe.*] You contemplate, as I understand, that there should be an inquiry into the pecuniary resources of the Company?—I think that there ought to be some satisfactory grounds given for supposing that the promoters of the Bill have the means whereby to carry out the plan.

785. Do you propose to inquire into the pecuniary condition of the persons who are undertaking to carry out the project, or how is that inquiry to be conducted?—If you had the subscription contract before you, and inquired into the means of most of those who put down large sums, and if it was of the sort of character that a party came forward and said, "Such and such people are not really worth as many pence as they put down their names for pounds" (which was very often the case in the old subscription contracts), I think that you would bring your subscription contract within bounds, and that you would be satisfied whether or not (the sum put down being a given portion of the amount of capital required for the construction of the line) it was a *bonâ fide* contract, which you might rely upon to a very considerable extent, and in which there was nothing absolutely fraudulent. The old contracts were absolutely fraudulent; livery servants used to sign them for 10,000 *l.*, and that sort of thing, just to make up the sum which was required by Parliament,

786. Then I understand that the pecuniary resources and credit of any person who signed a subscription contract, or promoted a Bill, would be a legitimate subject of inquiry?—To a certain extent. If there was any great imputation cast upon the subscription contract, as that the parties were quite unable to meet the sums for which they were put down, in the case of any large figures, I should just ask, "Who is John So-and-so, who has subscribed 5,000 *l.*?" The answer would perhaps be, "He is a small shopkeeper in the place; he cannot find that sum of money." I should not inquire further; but I think that any

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tribunal of that sort would very soon satisfy themslves as to the *bonâ fide* character of the contract. You may be deceived to a certain extent, and I would not have any searching investigation as to the means of parties, but I would have the subscription contract before the tribunal, and would allow objections to be taken upon it, which the tribunal might enter into to such extent as they thought necessary or desirable, just to satisfy themselves, that at all events, a large number of those names which were put down were fully capable of coming forward for those sums. I think that you may take the respectability of a large portion of a document of that sort as sufficient ground for supposing that there is a good and substantial money foundation for the scheme.

787. I presume that it would be in the discretion of the Commissioners to carry these inquiries as far and to stop them at such points as they thought proper?—I do not think that they would carry them very far, for their own sake, in point of time. I do not think that they would ever wish to enter into the thing, further than to satisfy themselves that a large sum being put down, in the main it was a good and honest subscription by parties who were able to meet it. If, on the other hand, it was shown to them that they were all mere small people putting themselves down for very large sums, it would create, in my mind, a very great doubt as to whether there was any fair and reasonable money support given to the scheme as it was brought before Parliament.

788. Adverting to another point, I understand your Lordship to be of opinion that so much of the exercise of the jurisdiction of this Commission as consisted in rejecting a scheme, and which is to be final, would be acquiesced in by Parliament and by the public?—I think that it would.

789. But, on the other hand, you appear to think that so much of it as consisted in approving schemes would not be accepted by them, but would require a further investigation by Parliament?—I think it very possible that after full confidence was established by the Commission being found to work well, very great confidence would be felt in their decisions, and perhaps their power would be carried further than I should at first propose to confide in them, because I do not think that Parliament at first would be prepared to go further than what I propose, namely, that the final decision as to the adoption of a measure should still remain with Parliament, with the assistance which I propose should be thus afforded to them. I think that the rejection of a measure which is, at all events, only a postponement for another year, is a very different thing from the adoption of a measure which for all time to come imposes that line and that line only upon the country: it requires a very different care in the one case and in the other.

790. If there are two competing schemes, and the one is accepted and the other rejected, that decision may lead not only to a postponement of a year, but to the rejection of the rejected line for ever, may it not?—Of course, if the other line is adopted by Parliament; and so it is at present.

791. I do not quite understand why your Lordship thinks that the public would acquiesce in one case, and not in the other?—I do not care so much for the public as for Parliament; I think that Parliament would acquiesce, because it would be a tribunal appointed by Parliament itself; I think that the rejection of the decisions of other tribunals has arisen from Parliament having had no concern in the appointment, and by which it has therefore in no way felt itself bound; and I think that there would be more confidence felt in a tribunal appointed as I suggest than in a tribunal appointed in any other manner.

792. Still, I do not understand why Parliament should have confidence in it, so far as rejection is concerned, and not the same confidence when it is a question of acceptance?—Because acceptance and rejection are very different matters; a rejection is a matter which can be considered again in an ensuing Session; an acceptance involves the existence of the particular line for ever. There are not now such important questions to be considered by such a tribunal as there were in the decision, for instance, upon the Great Northern Line; the rejection of such a line for a year was a very different thing from the acceptance of it if it was a bad line.

793. Does your Lordship contemplate that this Commission should be appointed annually, or for any term of years?—Annually; that it should be sessional.

794. When should it commence its operations?—Within a reasonable time after the close of the Session, so as to give the Members a little holiday.

795. I understand

795. I understand your Lordship to be of opinion that when a case does come to Parliament, it is desirable that it should be heard by Committees of both Houses?—No, not unless ground is established for sending it to a Committee.

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796. If it is sent to a Committee of experienced members, you would not propose to make any alteration in the present practice?—I would only allow it to be referred on those points on which the other Committee I have proposed determined that the petitioners should be heard.

797. But on those points it would be before both Houses?—It might be heard before the House which appointed the inquiry; after having been heard in one House, if the decision was in accordance with the recommendation of the Commissioners, I should think that the other House certainly would not allow any further hearing upon the subject.

798. Is your Lordship of opinion that the present system of hearing the same case twice over in the two Houses of Parliament is justifiable in principle?—Yes, I think it is; and I think it is the only way in which, under the present tribunal, you have security of an erroneous decision, come to by one Committee, being capable of revision.

799. Would you extend the same principle to other judicial proceedings?—Not to some judicial proceedings.

800. For instance, supposing a man owes me a debt, and I obtain a judgment from him in one court, would you say that I am not to recover my debt unless I obtain a second judgment against him in another court?—I do not think that the two cases are precisely parallel. In a great many cases appeals are allowed; in almost all legal proceedings of importance there is an appeal.

801. Mr. *Adair.*] In case of a difference of opinion among the Commissioners, I presume that the decision would depend on votes?—The decision would depend on votes; but of course, where there was a difference of opinion among the Commissioners, it would be a very likely case upon which parties would be allowed to be heard before a Committee on those points on which the difference of opinion arose. I, however, think that there would be very little difference of opinion.

802. I understand your Lordship's great object in this preliminary inquiry to be to certify to the House that the case is of such importance as to justify taking up their time?—I think that the inquiry would be such as ought to satisfy the House that the scheme is one which may safely be adopted by the House, and in all probability the best scheme which can be adopted by the House for the particular purpose. Of course, the tribunal may have made a mistake in it, and there would then be a remedy in the revision by a Committee of the House of the decision come to by the Commission which I propose.

William Nathaniel Massey, Esq., a Member of the Committee; Examined.

803. *Chairman.*] YOU are Chairman of Ways and Means?—Yes.

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804. And you have under you the unopposed Bills, and a general supervision of Private Bills before the House?—Yes; by Standing Order I am required to report to the House any observations which I may think fit to make on any Private Bill before the House, and I am also empowered to communicate with the Chairman of Committees upon the subject of contested Bills which are before them.

805. Are you of opinion that the present system of Private Bill legislation is not giving satisfaction to the public?—I think that it does not give satisfaction, and that it is defective; so defective that I have been disposed to share an opinion which is very prevalent, that it would be desirable to transfer the whole of this jurisdiction to some foreign tribunal; but I see many objections to that proposal; I think, in the first place, that the disinclination of Parliament to part with its jurisdiction is not materially abated. Propositions for preliminary inquiries in matters of private legislation have been frequently made. Every kind of scheme has been suggested, and by considerable authority, but none of those propositions have found favour with Parliament, or have ever been seriously entertained, so far as I can collect, by either House of Parliament.

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806. Then you do not entertain the idea yourself that it is advisable to transfer the ultimate decision upon Private Bills to some other tribunal than Parliament?—No; I think that it would be desirable to see what we can make of the present system before we attempt that, and I think that the present system is capable of amendment, although I must say that no possible amendment which has occurred to me will reach its radical vices.

807. What are the radical vices to which you refer?—The great expense and the great delay; and if I may use such an expression, the inferior competency of the tribunal, as compared with the enormous price which is paid for it.

808. Mr. *Adair*.] By those who are suitors to it?—By those who are suitors to it.

809. Colonel *Wilson Patten*.] Are there any other vices in the present system?—I think that the expense and delay, and the uncertain and precarious character of the tribunal, exhaust the principal objections to the present system.

810. *Chairman*.] What amendments of the present system would you suggest?—I should desire in the first place, to see whether it was not possible to relieve suitors from attendance on Parliament in respect of certain measures, and I think that we might do something by general legislation to effect that object. There is a class of cases which really involve no point of controversy, and which raise no question which it is worth the while of Parliament to consider, but which are annually submitted to Parliament, and which go through all the stages in both Houses, thus subjecting the parties to very large expense. I think that it would be possible, by general legislation, to lay down certain conditions under which a department of the Government might be permitted to sanction certain projects. I would rather not specify the particular projects which I think might be included in such a Bill, because that would be a proper subject for skilled authority to consider; but I would suggest such cases in Railway Bills as raising additional capital, working arrangements, the internal policy, and the government of a railway, and matters of that kind, and, perhaps I may add, short extensions of a company's line. I think that with reference to projects of that character, which form a very large part of the private business of Parliament, our experience as to the course of that class of business would enable us to frame some measure with provisions which would enable a department to transact all that business without any considerable expense or delay to the promoters.

811. So that the parties would have a right to proceed with their scheme if the department certified that they had complied with the provisions of the Act of Parliament?—Yes; but there are certain qualifications to that arrangement which I should wish to mention. If certain conditions were laid down by general legislation, under which certain schemes should go forward, the department would be strictly bound by those conditions; they would not inquire into questions of policy, or any of those matters which form an element in the investigations before Committees, but it might well be that those questions ought to be considered even in schemes which are apparently on the face of them of no great importance; and in order to let Parliament into entertaining those questions, I would not make the action of the department conclusive, but I would require that every party promoting a Bill should give the usual notices and deposit the plans as he does now, that is to say, that he should lay the foundations of a Private Bill. I should then propose that when he had given his notices and deposited his plans, Bills of the character which come within the enactments of the general legislation should be referred to a department, say the Board of Trade, which is conversant with these matters, and that they should issue a certificate, which should be laid upon the Table of both Houses for a certain time, and that, if not objected to, the scheme should then be finally certificated. The probable course of business would be that those reports of the Board of Trade would be referred to some authority in the House, most likely to the Chairman of Ways and Means, who is assisted by the Speaker's counsel; and that if no report adverse to any of them was presented to the House within the time limited, they would receive the final certificate of the department. If any of them were objected to in the House, they might be referred to a Committee, and they would then take the usual course of a Private Bill. But the probability is that a vast majority of those schemes would pass, with

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the acquiescence of Parliament, after the process which I have described. The result would be to relieve Parliament from a great deal of trivial business, and not only to relieve Parliament, but to relieve the promoters of schemes which are in themselves laudable and desirable, and which are, in fact, probably only supplying matters of detail to schemes which have been already sanctioned by Parliament; by those means the promoters of these small measures would be relieved from a vast deal of delay and expense which the forms of Parliament now impose upon them. That would be one mode of alleviating the pressure upon the time of Parliament, and upon the suitor. I think that Mr. Booth's suggestion, extending the principle of consolidation, might be some small addition to that relief, but I think that it would not be very material. Then it has occurred to me, that the jurisdiction of the Committee of Ways and Means might be usefully extended. As the Committee are aware, all unopposed Bills are referred to that Committee. Counsel are not heard, but witnesses are called before it, and, so far as my experience goes, I think that that Committee works in a very satisfactory manner. It is its duty to take care of the interests of the public, and questions are entered into with some minuteness; certainly not as to the preamble, because that is considered to be withdrawn from the jurisdiction of the Committee, but as to the details of the Bill. In Railway Bills, the questions as to level crossings, and as to the adjustment of tolls; and, in other Bills, the price of gas, and various other things of that sort, I think are adjusted in the Committee in a very equitable manner, without the least expense to the parties, and with the utmost expedition. I see that during the last Session, I, as *ex officio* Chairman of that Committee, sat for 33 days, and therefore the Committee sat for 33 days, each sitting averaging about two hours. I find that a great many Committees sat for a very much longer time than that. The Honourable Member for Hertfordshire, I think, sat for 59 days last Session; and as the Chairman of Ways and Means is a salaried officer of the House, I think that the House have a right to get as much work out of him as they can. He is also, or ought to be, experienced in private business, and as competent as any other Chairman to deal with matters which came before Private Bill Committees. It is of course manifest that his various engagements in the House, and in his office, render it impossible for him to try controverted questions; that is to say, to hear counsel; but there are questions which might exhaust themselves upon adverse statements, in others the facts might be agreed upon, and, by the consent of the parties, the decision might be usefully referred, I think, to a Committee over which the Chairman of Ways and Means presides. I think that the practice of trying cases twice over by co-ordinate tribunals is utterly indefensible. When a case is decided after hearing counsel and witnessses in one House of Parliament, the dissatisfied party should not be allowed immediately to resort to the other House of Parliament, which has no superior authority, and repeat the inquiry. That is a mode of transacting business which is unknown to any other country but this. If a Bill has passed the House of Lords, and the decision is afterwards reversed by the House of Commons, the parties, of course, have a right to come into Parliament next year and be heard, and if they succeed in the same House in which they succeeded before, they have been put to an enormous expense and delay for no object whatever. I should hope that this Committee would be disposed to recommend to the House that any Bill coming down from the House of Lords should not be referred to the Committee of Selection or to the general Committee of Railways, but to the Chairman of Ways and Means as an unopposed Bill. That would be my specific proposition. In addition to that I also concur in a suggestion which was made by Mr. Rickards, that when a Bill was originally unopposed in the House of Lords it should not, as a general rule, be subjected to the consideration of a Committee in the House of Commons. Those are the principal recommendations which I am prepared to offer. I cannot disguise from the Committee that if it was possible to obtain the assent of Parliament to a Committee of the House of Commons sitting, as the judges do, out of Session, and trying day by day controverted questions, there is no doubt that in November, December, and January such a Committee would dispose of half the contested business of the House.

812. Colonel *Wilson Patten.*] Only half?—I do not wish to be too sanguine. I think that when such a Committee had got into working gear, the business would

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would be conducted with much more expedition and much more precision than it is before an ordinary Private Bill Committee. I have made calculations of the amount of time which a Committee sitting out of Parliament, in the months of November, December, and January, would be enabled to devote to these inquiries as compared with the amount of time which Members of Parliament, during the four months of the Private Bill Session (practically it does not last longer) are enabled to give to that description of business, and I find that the result upon a comparison of time would be that at least one-half of the business would be disposed of before the Session of Parliament began; but I cannot say that I am very sanguine that Parliament would accept so great an innovation as that. Short of that, I think that the suggestions which I have made would have the effect of diminishing the private business, of withdrawing a certain portion of it altogether from Parliament, and of facilitating the progress of controverted business through both Houses. With reference to the hearing of a contested case twice over, I have obtained a return; this is a return relative to last Session. The number of Private Bills referred to Committees was 198; 54 of those were referred as unopposed Bills to the Chairman of Ways and Means; 15 were withdrawn, and 129 were tried. Of the 129 which were tried, 20 were rejected; that is to say, the preambles were not proved, 109 went up to the House of Lords; of those 109, 46 which had already been tried in the Commons were tried over again in the Lords. The whole number of Bills which were tried before contested Committees in the Lords were 58; 12 of those Bills originated in the Lords, and 46 of them came up from the Commons after having been tried there. The number of Bills which came from the Lords, and were afterwards tried again in the Commons, were only eight; so that if my suggestion were adopted the relief which suitors would receive and which this House would receive would be very small indeed, unless the Lords were disposed to concur in the same arrangement.

813. What was the number of cases in which the Lords disagreed with the Commons?—I only obtained this return yesterday, and that information is in the course of preparation. I shall be prepared to furnish it to the Committee at their next sitting. I must say, with regard to the point which the honourable Member for North Lancashire has referred to, that it does not appear to me to be very material, as far as our inquiry is concerned; for whether the Lords rejected those bills, or whether the Lords confirmed them, the principle, in my opinion, is equally vicious.

814. Mr. *C. Forster.*] Would not the agreement or disagreement be material as bearing upon a second examination?—No, because the utility of it would depend upon the assumption that the second tribunal was right.

815. But supposing it turned out that in almost every case the decision of the Lords was the same as the decision of the Commons?—That would show that the inquiry was unnecessary.

816. Mr. *R. Hodgson.*] Am I to understand that you propose that the Chairman of Ways and Means, taking these Bills into consideration, as a Committee is to decide upon questions of policy which are not to be decided by the Board of Trade?—With regard to those Bills upon which it was competent for the Board of Trade to report, the course which they would take, according to my proposal, is this?—The certificate of the Board of Trade would be laid on the table of the House, say for a month; during that month the schemes would be scrutinized by the Chairman of Ways and Means, who is an officer appointed to examine into all these matters with the assistance of the counsel to Mr. Speaker, and if he saw anything objectionable in them it would be his duty to report accordingly to the House. If any Member objected to any one of these schemes, he could raise that question in the House, and the House, if they thought proper, would refer that particular scheme to a Committee, and it would then take its course as a Bill of the ordinary kind, the foundations of a Private Bill having, as I have already observed, been originally laid by a petition, by the deposit of plans and by notices.

817. That is not exactly an answer to the question which I meant to put; you stated that you proposed that certain conditions were to be established by Act of Parliament, and that the department of the Board of Trade was not to travel out of those conditions; that the Board of Trade Department was not to consider questions of policy as regarded the construction of railways, but was to take the conditions as laid down by Parliament; I ask you, whether you propose

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the same limitation to the discretion of the Committee presided ov r by the Chairman of Ways and Means, namely, that that Committee should likewise discard all questions of policy, and merely take into consideration the Bills upon other points?—Do you allude to the class of Bills referred to the Chairman of Ways and Means by consent?

818. Yes?—He would certainly enter into the policy of the scheme if parties consented that their scheme should be submitted to the Chairman of Ways and Means; he would have the same authority as any other Committee would have.

819. Mr. *Liddell.*] Though you have presented some very valuable suggestions to the Committee for the amendment of the present system, I understand you to say that you do not think that any amendment of the existing system would reach the radical vices which appear to belong to it?—It would reach them; it would not cure them, I think.

820. Am I to understand you to make the suggestions rather in deference to the jealousy of Parliament than to any strong opinion of your own, that they would be efficacious in curing the defects of the system?—Quite so.

821. If you could follow the bent of your own idea, you would refer this class of business to a totally distinct tribunal?—Yes, I would; but I think that it would be very difficult to constitute that tribunal, because the case which would have to be provided for is one of a very peculiar character, including mixed questions of public policy and of private interest, and I think that the suggestion which occurs generally, and which seems to be a very plausible one, that a judicial tribunal could dispose of such questions, is quite fallacious; the judicial mind always desires to entertain questions which can be reduced to definite issues. For instance, the very question which is involved in a railway case is the very question which a judge would refuse to try; he would say, "You must take this case to arbitration; I cannot try engineering questions; I cannot try questions of compensation to landowners; go to an engineer; go to a barrister." He would at once say that he was incompetent to try those questions. The experience of every gentleman who belongs to the profession which I formerly practised will teach him that. I think, therefore, that a purely judicial tribunal would be wholly unqualified for such an investigation; that the sort of questions which it would be for the tribunal to determine would be exactly that class of questions which the judicial mind rejects, because they are not precisely definite issues. I think, also, that referring the matter entirely to a department would be very unsatisfactory; it might be said that you might go to the Board of Trade; that is a great department of the Government, and it sounds very well; but what is the practical course which the thing would take? It would be referred to some clerk in the office, or some lawyer, who would be hooked on to the department merely for the purpose of preparing reports. Some engineer belonging to the department would have his own views; he would consider himself armed with authority to determine all these matters, and that power would, I think, very often be abused, and would not result in reports upon which the House could safely rely. Then an official tribunal, and a judicial tribunal, are neither of them appropriate to the peculiar class of inquiry; I only mention that; I am not going to constitute any tribunal, but I merely throw that out to show the difficulty of the question; that it is not so easy a matter as some gentlemen suppose to constitute a tribunal out of doors which will deal satisfactorily with these matters.

822. *Chairman.*] With regard to the class of Bills for which you would provide by a General Act, how would you define them. You say that they would be Bills, for instance, entitling companies to make small branches, extensions, and so forth, and capital arrangements; how would you define the class of Bills which should be so treated; for instance, in the case of branches, would it be according to the amount of capital to be expended, or the length?—In the case of small branches I should be disposed to give the Board of Trade a general power to sanction schemes which proposed a small extension of an existing line; but that very point illustrates the necessity of not making the decision of any department final. I think that there is a scheme before Parliament of a short line, from the main South Western Line to the camp at Aldershot, which is two or three miles in length; nobody would dispute the expediency of such a line as that: and a line promoted by a great existing company, which traverses the district, would probably be a proper line to

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sanction. That scheme might be withdrawn from Parliament, and go before the Board of Trade, and they could certify it, and nobody would ever object to it; but if you lay it down that a small extension is a matter which may safely be withdrawn from the consideration of Parliament, you are immediately reminded of a metropolitan extension. Take the case which the House, I think very properly, rejected the other day, of a scheme to make a railway from the Great Northern Station at King's Cross to the Haymarket. That is a short extension, and according to my plan the Board of Trade would be bound to report upon it; it would not be within their province to pronounce upon the policy of the scheme.

823. They would merely grant a certificate that the promoters had complied with the provisions of the General Act?—Yes; from the success of the Metropolitan Underground Railway there is a rage for these schemes, and the money can easily be found; and no doubt all the requisitions which Parliament could possibly provide with regard to such schemes would be complied with, and the Board would have no discretion whatever but to report in favour of the scheme, which scheme Parliament would probably remit to a further inquiry, or reject altogether. Therefore it is that in no case which occurs to me can I say that it is safe to withdraw wholly from Parliament the consideration of any matter of private legislation. But practically I think that means might be devised in a great number of cases, through the agency of a department, to get rid of a great many inquiries which it is quite unnecessary for Parliament to enter into.

824. Mr. *R. Hodgson.*] Would not the limitation of the capital and the length of the line reach the case. For instance, in the case which you mention of the extension to Regent Circus, the capital for coming through the property must necessarily be large, though the length of the line is short. In another case the length may be short and the capital small, and in such a case the Board of Trade would, in your opinion, have a proper jurisdiction?—Yes,

825. Do you concur in the suggestion made by Lord Redesdale as to the substitution of written and printed statements for counsel's speeches?—I cannot see that any thing would come of that; the statements upon which Committees proceed are the statements in petitions, and those statements are sufficiently precise, and certainly sufficiently diffuse, for the information of a Committee as to the inquiry into which it is to embark; and I think that if you were to attempt to extend that principle of statement you would find your way into legal technicalities, which would embarrass and distract the Committees, and would by no means conduce to facilitate the transaction of the business before them. What you want to arrive at, and what is very captivating, is an issue, but you cannot get it.

826. Mr. *E. P. Bouverie.*] The issue of public expediency is very wide?—Yes, it is a wide question, which cannot possibly be reduced to an issue.

827. Mr. *R. Hodgson.*] Will you be kind enough to give the Committee your opinion as to the advisability of conferring upon Committees the power to grant costs?—I think that the facilities which Parliament affords to the re-hearing of cases do sometimes operate very vexatiously. The honourable Member has put to one of the witnesses the case of a scheme being rejected by Parliament, and the parties coming again in the following year, and getting a re-hearing, getting their Bill read a second time, and that Bill being referred, as it probably would be, to a different Committee, and meeting with the same fate as the former one, all the opponents being dragged before that Committee, and being put to great expense. It might well be that a second inquiry was desirable; and although the opinion of the second Committee might confirm the judgment of the first, it would not follow as a matter of course that the revival of the scheme was vexatious, though the probability is that it would be vexatious; and therefore, I should be very much disposed to vest in the second Committee a discretion to give costs.

828. That is in the case of the promotion of a Bill unsuccessfully?—The case which we are supposing is an unsuccessful attempt to get a Bill.

829. Mr. *Whalley.*] Is it not a radical objection to giving the power to grant costs that you cannot in so wide an issue as that of general expediency have any idea what really is the question to be decided. The parties may say, "We thought that the issue would be so and so." There is nothing before them. As Mr. Hope Scott said in his evidence, It is a lottery; he said, "Whichever party comes before me I say, You may win, or you may lose, I cannot tell you which."

which." How, therefore, can you so far inform parties beforehand of what is right and what is wrong in coming before the Committee when their own counsel says, "You may succeed, or you may not," as to leave in the hands of the Committee the power to award costs. Does not the one thing fall with the other?—No, I think not. I would not lay down any rule; I would not adopt the rule which is rigidly enforced in a court of law, namely, that the losing party shall pay the costs, but I mean to say that the rejection of a scheme by a former Committee is *primâ facie* evidence that it is unnecessary and inexpedient; and if upon the revival of it the second Committee agreed in that opinion, and no new facts and no new arguments were brought forward, they might then discuss whether the case of the parties who had been obliged to come and oppose the Bill a second time, was not one for fair consideration, and whether they should not be awarded some costs.

830. Mr. *Hodgson.*] Supposing that Parliament chose to keep in operation the double jurisdiction of the Houses of Lords and Commons in regard to opposed Bills, if a Bill passed the first House, and the opposition was again unsuccessful in the second House, would you allow to the second Committee the power of giving costs in that case also. Supposing that a Bill is brought forward in the House of Commons, and is opposed by certain parties, but passes the Committee, and supposing that it goes to the second House, and the same parties oppose in the second House, and are again defeated, would you in that case give the Committee in the second House the power to award costs against those opponents?—I think that the Committee in the second House would be in precisely the same position as the Committee of this House sitting in a succeeding year; I see no difference whatever in principle between the two cases; and if it was right to give a Committee which sat in 1861, and confirmed the decision of a Committee of the House of Commons in 1860, the power of awarding costs so would I give the Committee of the House of Lords the power of awarding costs, if the parties, after being defeated in the Commons, appeared before a Committee of the Lords, or *vice versâ.*

831. Do you not think that that would have the effect very much of limiting the number of cases in which the opposition was carried on in both Houses?—I should think it probable that that would be the tendency of it. At the same time money is lavished with great prodigality by parties who promote schemes before Parliament.

832. Mr. *E. P. Bouverie.*] Is not that very much at the root of all the mischief, namely, that enormous sums of money are at the command of people who practically have very little to do with contributing to those sums, and who are determined to succeed if they can, at any expense?—Yes; that is beyond our power to reach.

833. Mr. *Puller.*] You have put the case of an opposition in the House of Lords after it has been conducted in the House of Commons as being a parallel case to that of the promoters coming a second time to the House of Commons in a subsequent year?—Yes.

834. Is there not this difference in the one case, the promoters come for the purpose of advancing their own interests, and ask to take the land of landowners, and no one can say that the landowners do anything wrong in defending themselves; in the other case, the promoters come for their own interests a second time to ask for that which the House has already refused to them, and they might perhaps be fairly considered liable to pay costs. In the first case it is not quite the same thing, is it, for the landowners whose land is taken from them, still to insist upon their defence. If the promoters are thrown out in the House of Commons, there is no trial in the House of Lords; would you put the party who makes his defence on exactly the same footing as the party who is coming to seek to take another man's land?—What I had in my mind was a company propounding a scheme and being defeated, and then coming again to Parliament with nothing but pertinacity, and asking Parliament to pass their scheme without any new facts or any new reasons. In that case I think that the landowners, and all the other parties who are interested in opposing their scheme ought to be protected.

835. Would you extend that principle to the landowners who continue their opposition in the House of Lords; do you think that it is the same thing to

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subject them to costs, because they continue their defence of themselves in the House of Lords?—No; there is a manifest distinction between the position of a landowner defending himself against the encroachments of a company, and a company pertinaciously storming Parliament to obtain what Parliament is not willing to give them.

836. Colonel *Wilson Patten.*] You have mentioned, amongst the vices of the present system, the delay and the expense, and the length of the proceedings; supposing that the present system of Committees is to be carried on, can you point out any mode in which the proceedings could be shortened before the Committee?—I fear not. Of course, the obvious mode of shortening the time during which parties are kept before a Committee is by getting the Committee to bestow more time upon the inquiry; that is to say, to sit earlier; but they will not do that. That attempt has been made and failed, and I therefore accept the test of experience.

837. Mr. *Adair.*] I am not aware that the attempt has ever been made by a Standing Order?—Of course, Parliament is omnipotent; but gentlemen grumble very much now at being put upon Committees.

838. Parliament being earnest in its promises to diminish the expense and improve the tribunal, is not that one of the most obvious and immediate methods to be taken towards that end?—That is the most obvious method; but a Parliamentary Committee is an unpaid tribunal, and the Members may say that they cannot endure the exhaustion of a long day's work, and attend in the evening to their Parliamentary duties. I think that that is an answer.

839. *Chairman.*] Is not one great cause of the expense before Railway Committees, and the heat of the strife, in reality the contest between rival companies?—No doubt.

840. Is not that at the bottom of the great struggles before Parliamentary Committees?—No doubt.

841. A new scheme is projected, and some existing Company is afraid that the new scheme will withdraw some of its traffic?—Yes.

842. And it proceeds to oppose such new scheme on that ground?—Yes.

843. Do you recollect what the Standing Order of the House is with regard to competition being a ground of objection to a proposed scheme?—Competition has been constituted a *locus standi*, by a Standing Order of rather recent date.

844. Was it formerly not a *locus standi*?—No.

845. Mr. *Adair.*] The Standing Order makes it discretionary in the Committee to admit competition as a *locus standi*?—Yes.

846. *Chairman.*] Do you understand the Standing Order to mean that the competition question is to be dealt with as an exceptional case; that the rule should be to exclude it, and only to admit it as an exception?—I understand that the Standing Order is meant to apply to the character of the opposition which these schemes generally encounter, and for a long time it was a subject of discussion in Committees whether competition was a good ground for a *locus standi*. Some Committees said that it was, and some said that it was not, and ultimately it was decided that parties should be heard on that ground, and the Standing Order was really founded upon experience of what was the character of the opposition which promoters had to meet with in the Committee rooms.

847. If a railway company, feeling that, perhaps, the Committee will be unwilling to allow it to be heard upon the ground of competition, goes to a landowner who is unwilling to appear, and says, "If you will oppose the preamble and the general merits of the Bill, we will pay all your expenses," and the landowner takes up the case because he is paid for doing it, and not upon his own special grievance, but for the interest of the railway company, do you think that that sort of opposition is legitimate; does not that system, in fact, give rise to the most extensive contests before the Committees?—I do not see how you can exclude it. I do not see how you can limit a landowner as to the opposition which he offers to a scheme. I think that it is competent to a landowner to say, "We do not want a railway at all; we do not want your scheme."

scheme." You say, that he says that at the instigation of parties behind his back, who furnish him with funds.

848. Who pay all his expenses?—Who pay all his expenses; but why should not a landowner say that? You cannot trace it, you cannot go into his motives, and into the history of his opposition; you can only look at his opposition on the face and say, Is it justifiable? I am not prepared to say that that is an opposition of a character from which a landowner should be excluded.

849. Has a Committee the means of judging of the policy of a line; can it judge by evidence such as is produced before Committees, whether a line will be a paying one, whether it will convey a certain quantity of people and give a certain amount of public advantage. When they have heard all the evidence of the kind which is produced, do you think that they really can form a just decision upon that point?—The promoters of the scheme must of course prove that. The promoters of the scheme have nothing but their own private interest in view, they only want to make money; but their case is, that they are going to propose something for the public interest; they lay the foundation of their case; they say, "We can show you traffic, we can show you convenience of communication between districts," and you must take the case as they lay it before you, and I think that a Committee of the House of Commons is very well qualified to try that question; quite as well qualified as the Chief Justice, or the Lord Chancellor.

850. Parties come forward, and we will assume that they are *boná fide* going to stake their capital upon the completion of a given scheme, having satisfied themselves that it will pay them. Do you think that that fact is not in itself as strong evidence that the scheme will pay, as the testimony of any set of people that can be brought into the room to give evidence as to traffic?—I do not know that it is.

851. I am assuming that the promoters of the scheme are about to complete it and to invest a large sum for that purpose, having satisfied their minds that it will pay. Do you not think that that fact is as strong a piece of evidence, namely, the belief of the promoters that the scheme will pay, as the evidence of persons who can be procured to say what they think the traffic will be, or how many coaches there are, and all the rest of it?—Setting aside schemes got up by an attorney and engineer, and taking schemes which are really got up by responsible parties who, we must assume, also are interested in the district and conversant with its requirements, if they get up a scheme that is *primâ facie* evidence that it is a good scheme, I can go that length, but I cannot go any further. I do not think that the opinion of any people who have capital is sufficient to show that the scheme which they propose is the best line which could be laid out; that it is the one which could be laid out with the least expense; that it is the one which is the freest from engineering difficulties.

852. Without going the length of saying that, it is sufficient to show that; can you provide any better test?—Yes, I think inquiry, and hearing competing adventurers, is a better test.

853. Though this may be a very imperfect test of whether a scheme is likely to be a paying one, and therefore be likely to be advantageous to the public, can any better test than it be devised for a Committee to go by?—I think that that is a very good test to launch a scheme before a Committee; but I cannot therefore say that a Committee should at once jump to the conclusion that it is a scheme to be sanctioned without hearing people who are prepared to say, "I will show you that it will not pay," or "I will show you that it is a bad line."

854. I do not ask you whether it should be sanctioned, but whether a landowner, for instance, should give evidence of a general character, as to whether a proposed scheme will be a paying scheme?—I think that his opinion, if he is a landowner in the district, is one which is entitled to attention upon that point.

855. Can it weigh against the act of parties who are *boná fide* prepared to invest their money upon the faith of the completion of the scheme?—He

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may be right, and they may be wrong, or *vice versâ*. If this were merely a question under the Joint Stock Companies Act, and persons were going to risk their own money, there would be no question as to whether these people were propounding a scheme which was likely to pay them; they would not be coming to occupy a district, and to take possession of other people's property.

856. Still, of course, persons should not be allowed to take other people's property without compensation, and they should not be allowed to do any injury which they proposed to do either to individuals or to the public; but the point to which I want to come is this, namely, the way in which a Committee is to satisfy itself that a proposed scheme will pay; because a great deal of evidence is gone into upon the point whether it will be a paying scheme; the assumption being, that if it is a paying scheme, passengers will go by it, and therefore it will be beneficial to the public. Is it possible to get any evidence as to whether a scheme will pay so good as the evidence of the promoters themselves, who are willing to stake their capital upon its completion?—I do not think that the confidence of the promoters in their own scheme would weigh much with me against the opinion of critics of a scheme in which they had no interest. I do not see that it at all follows that the opinion of people who are prepared to invest their money in any scheme is entitled to greater weight as to the feasibility and the ultimate success of that scheme than the opinion of other persons conversant with the proposal, and willing to give an opinion upon it.

857. Mr. *E. P. Bouverie.*] Do you think that in many cases the critics have proved to be right, and the projectors wrong?—Yes.

858. Mr. *Whalley.*] Assuming that the project came before Parliament promoted avowedly at the risk of lawyers, and engineers, and persons of that class, would not the presumption be rather in favour of that scheme, than if the scheme came promoted merely by contractors. Of course the projectors would rely upon getting a substantial person to support them, or that the traffic would ultimately support them. Would not the circumstance of its being taken in hand professionally as a matter of profit be better evidence of the proposition which the Chairman has put to you than if the project came before Parliament under other auspices?—I should be glad to hear what they had to say for themselves before I gave an opinion.

859. *Chairman.*] Would you allow this kind of evidence to be given, that it was inexpedient to make a proposed new line, because it would withdraw traffic from an existing line?—I should say that it was extremely doubtful.

860. If you excluded that class of evidence altogether, would not you lessen the amount of contentious matter before Committees?—I am not myself personally very conversant with Railway Committees; but, of course, if you excluded evidence of that material character that you would not allow a party who was in possession of a district to be heard to say, "The intrusion of another line will diminish our dividends," of course all that class of opposition would necessarily be withdrawn, and, I believe, that is a very large class.

861. Mr. *Paull.*] Do you think that it is the province of Parliament to inquire whether a scheme will or will not pay?—Not a simple proposition of that kind; but the schemes which we are speaking of by railway companies involve a question which it behoves Parliament to consider, and which it is not the object of the promoters at all to put forward, namely, the question of public interest, and the invasion of private property.

862. The parties came to Parliament to enable them to levy rates, and to take land, and if the scheme will be a convenience to the public, it is not a question whether the investment of the capital is a good or a bad one, whether it will pay, or whether it will not pay?—No, it is quite immaterial to Parliament or anybody else what people do with their money; if they choose to throw it away, let them do it, so long as they are throwing away their own money, and do not invade other people's rights.

863. So that all that inquiry as to traffic might be excluded?—Possibly.

864. Mr. *Liddell.*] You have been asked a good many questions with regard to competing lines; do you not think that in view of the present, I will not say complete, but very large system of railways, which exists in the country, the time

time has arrived when you might safely vest in the Board of Trade greater powers for prohibiting altogether the promotion of schemes for the construction of competing lines, they being acquainted with all the circumstances of the traffic, and the amount of passengers, &c., conveyed by all the different lines at the present time?—No, I should be very sorry to vest in a public department, or in any body of men, the power of prohibiting persons from coming to Parliament, and soliciting a Private Bill.

865. Does not it occur to your mind that more use might be made of the statistical information of the nature which I have described, which is possessed by the Board of Trade, in controlling, to some extent, the amount of railway enterprise proposed?—I do not think that you can make the resources of the Board of Trade at all available to the control of railway enterprise, because either you must vest power in them absolutely to say that such and such a scheme shall not go forward, or else you must confine their function to recommendations; I would not give them an absolute power, and I think that to give them the power of making recommendations, but not to give them the power of doing what they recommend, would be futile. I think experience has proved that Committees do not attend to reports of a department founded merely upon the opinion of some officer of that department without hearing evidence.

866. Mr. *R. Hodgson.*] Take the case of a provisional order, as has been proposed by Mr. Booth, and as is put into operation under the Piers and Harbours Act; what is your opinion of that, namely, a provisional order made by the Board of Trade, which requires to be confirmed by Parliament?—I am not very well acquainted with the Piers and Harbours Act, and I should be sorry to give an opinion upon the operation of that Act, which might be applicable to the subject under discussion.

867. Mr. *E. P. Bouverie.*] What do you think of a joint Committee of Lords and Commons to form one tribunal to try these questions?—I should be very sorry to give a hasty opinion upon any scheme which had been propounded by so high an authority as my Lord Redesdale; but I cannot say that I have any faith in these hybrid Committees, nor do I think that such a tribunal as he proposes would answer. I am afraid that it would amount to nothing more than an addition to an inquiry which is already too much extended. If that joint Committee could be invested with absolute authority, and if Parliament was willing to concede to it absolute authority, so as to preclude the necessity of further investigation, it might be a very valuable tribunal; but I am afraid that the operation would be, that after an expensive inquiry had been gone through before that Committee, its report would come down to the House of Commons tainted, in the first place, with the imputation of injustice that somebody had been absolutely shut out from a hearing; then the favoured party would have his claims referred to the consideration of a Committee of either House; and I doubt whether that Committee would respect the decision of the hybrid Committee. I think that they would enter at large into the whole scheme, the consideration of which had been sanctioned by the preliminary inquiry.

868. Have you any suggestion to make with reference to schemes before Parliament being referred to a Committee composed of Lords and Commons sitting together, who are to give their verdict upon the preamble for both Houses jointly; do you see your way to working that out in a practical manner?—I can hardly conjecture what would be the result of such a scheme as that; it would, in one sense, be a Parliamentary inquiry, but I do not know how the two elements of Lords and Commons would agree, or how they could sit together in the same Committee.

869-70. Do you think that either House would be satisfied if all the Members of that House who voted in a minority were overruled by the Members of the other House?—I doubt it very much.

871. *Chairman.*] You are against a double inquiry, first before a Committee of one House, and then before a Committee of the other?—Quite so.

872. How would you arrange the case of a Bill having gone through a Select Committee of the House of Commons, and then going to the House of Lords, would you provide that it should not go before a Select Committee there?—It is

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a matter, I imagine, which would be arranged by Standing Order of the two Houses. I presume, that if the Lords thought proper to accede to the practice which the House of Commons had adopted they would refer all Bills coming from the Commons to their Chairman of Committees, whose duties are analogous to those of the Chairman of Ways and Means in the Commons with regard to the Private Bills.

873. You would wish that a Bill having gone through a Select Committee of the Commons, should, when it came to the Lords, be treated as an unopposed Bill?—Yes.

874. And *vice versâ*, that a Bill coming down from the Lords, having gone through a Select Committee there, should, when it came down to the Commons, be treated as an unopposed Bill?—Yes, unless the House should otherwise order.

875. Of course parties who thought that they had a chance of succeeding in one House, though they had failed in the other, would move the House to order that the Bill be referred to a Select Committee?—Yes.

876. So that you would have that kind of business brought before the whole House?—Yes; but the parties would very soon understand what the sense of the House was with regard to entertaining those proposals; they would hear a short debate, and would then probably be desirous to hear what the Chairman of Ways and Means had to say about the subject, or some gentleman who was an authority upon these particular matters.

877. By your proposal you would arrive at a single inquiry?—Yes.

878. But is it possible that the House of Lords would agree to such a plan?—If my Lord Redesdale accurately represents the opinion of the House of Lords, it is not very hopeful; but this proposal has never been distinctly brought before them, and I should hope that his opinion is not finally made up, and that the Lords would not object to a single inquiry. I think that it is founded on principle and common sense, and must commend itself to anybody who considers it. I am prepared to say on the part of Mr. Rickards, of whom I asked some questions upon these points, and upon which he was rather doubtful, that upon further consideration, he thinks that such a plan might be adopted.

Lunæ, 23° *die Martii*, 1863.

MEMBERS PRESENT.

Mr. Adair.	Mr. Massey.
Mr. C. Forster.	Colonel Wilson Patten.
Mr. Milner Gibson.	Mr. Paull.
Mr. R. Hodgson.	Mr. Puller.
Mr. Hennessy.	Mr. Whalley.
Mr. Liddell.	Mr. Walpole.
Mr. Lowe.	

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

The Right Honourable Earl *Grey*, attending by permission of the House of Lords; Examined.

The Right Hon. Earl *Grey*.

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879. *Chairman.*] YOUR Lordship has given some attention to the subject of Private Bill Legislation?—I have; a good deal.

880. We have heard of complaints lately that the present system is not satisfactory; that it is more costly and more dilatory than it need be; is it your opinion that those complaints are well-founded?—Yes, that has long been my opinion; and, perhaps, the best way of explaining my opinion would be to put in to the Committee a memorandum which I placed before the Committee of the House of Lords upon this subject in 1858. I may explain that I had prepared that memorandum with a view to moving resolutions founded upon it in the Committee; but I was obliged to leave London before the Committee was ready to consider its report, and the consequence was that those resolutions were never moved, and did not appear in the Minutes of Proceedings of that Committee. I had a few copies of them struck off; and after the termination of the inquiry, I communicated the paper to Mr. Austin, the well-known Parliamentary counsel, and to several other gentlemen, whom I consulted. I found that they generally adopted the same view of the subject as I did, but suggested certain improvements and alterations, and, founded upon those suggestions, I propose to add a certain number of provisions to the scheme. Perhaps, if you wish to ask me any questions upon the subject, the better way would be to read this memorandum.

881. Does that memorandum relate to the present system; does it point out the evils of that system, and also suggest a remedy?—It comments upon the evils of the present system of dealing with Railway Bills, and suggests the adoption of a plan by which Parliament should transfer that duty to a more competent tribunal.

882. Will your Lordship be kind enough to read that paper?—"It is now universally agreed that Parliamentary Committees do not form a satisfactory tribunal for deciding on questions of such extreme importance as those which arise in the consideration of Private Bills, and especially of Railway Bills. These Committees, in general, discharge their duties most conscientiously, and very often with great ability, but still it is admitted that, in many instances, they are not equal to the very difficult task imposed upon them. This is a necessary consequence of the great amount of legislation of this description, of the laborious nature of the duties of Committees, and of the fact that a large proportion of the most able and experienced Members of both Houses are necessarily prevented by other calls upon their time from taking part in this branch of the business of Parliament. With regard to railways, there is this further evil arising from the present system, that whereas it is of great importance that the railway legislation of the country should be conducted

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on some steady and consistent policy, it is impossible that it should be so while Railway Bills continue to be submitted to separate and independent Committees, ignorant of each other's proceedings, and composed of Members who may have no previous experience on the subject with which they have to deal. Under such a system, it is vain to expect that there can be any consistency or steadiness of purpose in the legislation of successive years, or even that the different Railway Acts of the same Session should not often prove to be founded on conflicting views.

"The expense and inconvenience imposed upon the promoters and opponents of Private Bills of this sort also arise mainly from the defects of the tribunal by which they are considered.

"These defects of the existing system of procedure cannot be obviated by any mere improvement in the constitution of Parliamentary Committees on Private Bills, and especially on Railway Bills. A much more effectual remedy for the evil is required, and is only likely to be found in the creation of a permanent tribunal to consider Bills of this sort, and to advise Parliament in passing them. The duties now performed by Committees are, it must be remembered, to a great extent, of a judicial character, and involve the decision of questions affecting pecuniary interests far larger in amount than those usually at stake in the suits brought before courts of law.

"The Board of Trade, if adequately strengthened, would probably afford the best means of constituting such a tribunal. In deciding upon Railway Bills, although many questions arise as to the respective interests and claims of individuals and companies which ought to be considered judicially, yet these are inseparably mixed up with questions of national and public interest, upon which the Government, as guardian of that interest, is the proper adviser of Parliament. A Minister of the Crown ought, therefore, to be at the head of any department to which this duty is assigned, and there is no department of the Government equally fitted to undertake it with the Board of Trade. The following arrangements might, it is submitted, be adopted to carry these views into effect:—

"1. An additional Vice President, and three or four Assessors, to be added to the Board of Trade, who should be permanent officers, and receive such salaries as to enable the Government to command the services of able and trustworthy men.

"2. All applications for certain classes of Private Bills (including Railway Bills and Bills for the construction of harbours, docks, &c.) to be in future addressed, in the first instance, to the Board of Trade.

"3. Due notice to be given to the public of such applications, and an opportunity afforded to all parties interested of petitioning to be heard against them.

"4. The Board of Trade to consider unopposed applications, and examine the schemes, and the grounds on which they are brought forward, with a view to ascertain whether it is for the public interest that they should be authorised by Parliament. Should it appear that the general object of a Bill is such as to justify its being passed, the Board of Trade to settle what are to be the provisions of the Bill in concert with the promoters, and, when finally determined, to publish it in the form in which it is to be eventually recommended to Parliament.

"5. If an opposition to a proposed Bill should be declared, the Board of Trade to appoint a committee from its own body, consisting of the President, or one of the Vice Presidents, and two or more of the Assessors, whose duty it should be to hear the case. The proceedings before this committee to be conducted upon the system of Parliamentary Committees, but with such improvements as might from time to time be found desirable, the Board of Trade being authorised to make general regulations for the conduct of its proceedings, and to amend them when necessary.

"6. Neither the Board, nor any of its committees or members, to be allowed to receive any communication from the promoters or opponents of disputed Bills, otherwise than in open court or in writing; and copies of all written communications

communications received from one party to be given to the other. The receiving of any private communication with reference to a disputed Bill, either directly or indirectly, to be strictly prohibited.

" 7. The committee having heard the parties to report to the Board of Trade whether the Bill ought to pass, and if so, in what form, and subject to what conditions. The President of the Board to exercise a general supervision over the proceedings of its committees, and to be empowered to refer back to a committee, or to a fresh committee, any Bill on which he thought an unsatisfactory decision had been come to.

" 8. The proceedings of the Board of Trade, and of its Committees on Private Bills, not to be limited to the Session of Parliament, but to continue during that part of the year in which the courts of law are usually sitting.

" 9. Applications for Private Bills having been thus considered and determined by the Board of Trade, the President from time to time to introduce into Parliament Bills for giving effect to the measure so decided upon. These Bills to be similar in form to those submitted to Parliament by the Enclosure Commissioners, and simply to give the authority of Parliament to the conclusions of the Board of Trade.

" 10. A scale of fees to be paid by the promoters of Private Bills, to be fixed so as to pay the expense of the increased establishment of the Board of Trade."

That was the end of the resolutions which I meant to have moved in the Committee of the House of Lords, if I had not left London; but in consequence of suggestions which were afterwards made to me, as I have said, mainly by Mr. Austin, I should now propose to add the following heads:—

" 11. Every Railway Bill submitted to Parliament by the Board of Trade to be accompanied by a detailed report stating what rival schemes (if any) had been proposed, and the grounds for the decision of the Board.

" 12. The promoters of any competing scheme, or other unsuccessful opponents of a Railway Bill before the Board of Trade, to have the right of petitioning Parliament against any Bill recommended by the Board, the grounds for objecting to the decision of the Board being fully set forth in such petitions.

" 13. Such petitions when presented to be referred to a Standing Committee, to be appointed to act for both Houses of Parliament. This Committee to be composed of the Chairman of Committees of the House of Lords and one other Peer, and of the Chairman of Ways and Means, and two other Members of the House of Commons, to be named by that House.

" 14. The Standing Committee to have no power of hearing the parties, or of taking evidence, but to consider the detailed report of the Board of Trade on the one hand, and the petitions objecting to its decision on the other, and to report to both Houses their opinion whether there appeared from these documents to be *primâ facie* ground for doubting whether the Board of Trade had come to a correct decision.

" 15. If either House, after receiving the Report of the Standing Committee, should resolve that there ought to be further inquiry with respect to a Railway Bill recommended by the Board of Trade, such Bill to be referred to a Committee appointed to act for both Houses, and composed of two Peers, and three Members of the House of Commons named by the Committees of Selection of the two Houses. The Committee so named to proceed to hear the parties for and against the Bill in the usual manner.

" 16. The opponents of a Railway Bill recommended by the Board of Trade not to be allowed to appear against it before a Select Committee, until they had given security for paying to the promoters such reasonable costs as might be awarded by the Committee in the event of its finding that there had been no sufficient grounds for the opposition."

I will now resume the memorandum as it was originally written.

" It may be objected to this proposal that, by adopting it, Parliament would

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virtually abdicate an important branch of its authority, and that the power of granting the powers usually conferred by Private Bills is one so liable to abuse for personal or party objects, that it cannot safely be entrusted to any Government.

"To these objects it may be answered, that the Houses collectively have already practicably abdicated their power with reference to private legislation. Experience has shown that, in the first place, time is wanting for the two Houses, as such, to consider Private Bills; and that in the next place, when they did undertake to deal with such Bills on their merits, intolerable abuses arose, and the decisions of Parliament were mainly influenced by canvass and private interest. Thirty years ago the second reading of many Private Bills (such as the Aire and Calder Navigation) could only be carried by as active a 'whip' as is used for the most keenly disputed party motions, and there were often divisions on such Bills in full Houses; the members notoriously knowing nothing of the merits of the questions so decided." "In Committees, while their numbers were unlimited, the proceedings were of the same character. To get rid of these gross abuses, both Houses have now adopted the practice of referring Private Bills to small Select Committees, from the decisions of which they very rarely indeed allow of any appeal. The two Houses are indeed so sensible of the danger of allowing the abuses of the former system to revive, and of the impossibility of their exercising in a body their authority in private legislation, without leading to that result, that it constantly happens that decisions of Select Committees, which there is good reason to believe to be erroneous, are allowed to pass rather than incur the inconvenience of permitting an appeal from their decisions to the House itself. The only difference, therefore, that would be made in this respect, would be that the Houses would delegate their power to an experienced and responsible body, instead of to such Members as may happen to be selected in each particular case to serve on a Committee; an appeal being in both cases reserved to either House, if good ground for suspecting abuse should arise.

"With regard to the danger of trusting the Executive Government with any control over private legislation, and the great abuses that might arise from doing so, it certainly cannot be contended that this danger is a visionary one; but all the powers of the Government are liable to abuse, and there appears no reason to suppose that the power now proposed to be conferred on the President of the Board of Trade would be more likely to be improperly exercised than the authority of any other Minister, especially when it is considered that in its exercise he would be required to act with permanent officers, who, it is to be hoped, would be men of high standing, and also under the check of publicity. Under this system it would be very difficult for any abuse or job to escape detection, and the necessity of submitting every approved scheme to Parliament, with an explanation of the grounds on which it was recommended, would afford every means of bringing before Parliament any ground of complaint which might arise. The somewhat similar scheme which was tried in 1845, of causing the Board of Trade to report upon Railway Bills, seems to have failed mainly from the circumstance that the inquiries of the officers of the Board, on which these reports were founded, were conducted privately. Those who framed these reports saw the promoters and opponents of the various measures submitted to them separately, and received from each party communications, which were not submitted to the other. Suspicions of unfairness and partiality were thus created (whether justly or not, it is needless to inquire), which entirely destroyed the authority of the reports, which were accordingly treated by the Committees on the Bills almost as waste paper. It was also a mistake, if these reports were meant to have any authority, again to commit the Bills to Committees which were to re-investigate the questions they had already inquired into. In both these respects it will be observed that the mode of proceeding now proposed is the opposite of that adopted in 1845."

883. Upon that scheme, in the case of an opposed Bill, it might have to go through several trials; first of all, there would be the trial before the Board of Trade, where promoters and opponents would be heard in public court?—Yes.

884. Omitting the power of the President to remit it for a re-hearing before the

the Board of Trade, you then might have a fresh trial before the Standing Committee of the two Houses, which is to decide whether opposing petitions ought to be heard?—Yes.

885. That would be a trial, but the statements would be put in in writing. Then there might be a third trial before the joint Committee which you propose to constitute, consisting of Peers and Commons, in case the Standing Committee of either House thought that the petitioners ought to be heard before such Select Committee. Is not that so?—Certainly. But the proceedings before the Standing Committee would involve no expense to the parties, since it is not proposed that evidence or counsel should be heard; it would merely operate as a security against an unnecessary inquiry afterwards. There would, therefore, only be two inquiries in any case, as there are now, before a Committee of each House; and with this further security, that the second trial could not take place unless the parties calling for it gave security that they would pay costs in the event of the opposition turning out to be a frivolous one.

886. Mr. *C. Forster.*] I perceive that your Lordship proposes to give power to the Committees to award costs in case of a frivolous opposition; would you give the same power to Committees as against the promoters of a scheme?—I think not. I think that if the Board of Trade had decided in favour of a scheme, that is sufficient evidence that it is not, at all events, a frivolous project, and that, therefore, there ought to be no costs against the promoters of it.

887. In Election Committees costs may be given against either party, and I thought that the analogy was the same?—I think that the cases are very different. If a scheme has been approved by the Board of Trade, upon full inquiry, I think it may safely be assumed that the promoters are not bringing forward a frivolous project.

888. Mr. *R. Hodgson.*] You would not allow any parties to apply to Parliament without, in the first instance, the recommendation of the Board of Trade?—No application should be made to Parliament without going through the consideration of the Board of Trade; but, of course, the promoters of any Bill rejected by the Board of Trade might appeal to Parliament in the manner which I have proposed.

889. Mr. *Adair.*] Would your Lordship propose to refer to the Standing Committee, who are to consider the petitions against a scheme sanctioned by the Board of Trade, the evidence which had been produced before the Board of Trade, or the petitions of the opponents only?—I propose that there should be a detailed Report of the Board of Trade accompanying every Bill, fully explaining their reasons for the recommendation which they had laid before Parliament, and that that recommendation, on the one side, and the petitions objecting to it on the other, should be the documents laid before the Standing Committee, as sufficient to enable them to form an opinion whether there were *primâ facie* grounds for further inquiry.

890. Then the evidence upon which the Board of Trade founded their recommendation would not be within the cognisance and purview of the Standing Committee?—I did not propose that certainly.

891. *Chairman.*] Would it be necessary, in order to get before Parliament at all, to have passed, as it were, this Committee of the Board of Trade?—It would be necessary to have gone before the Board of Trade; but the rejection of the scheme by the Board of Trade would not prevent an appeal to Parliament. I have expressly said that any parties against whom the Board of Trade had decided should be at liberty to petition Parliament.

892. Then a Committee of the House would consider such petition, and decide whether it should be heard before a Select Committee constituted for that purpose?—That is what I propose. These Resolutions were rather hastily written, and I have no doubt they would require a little modification; but my meaning clearly was that the promoters of a rejected scheme should be able to appeal to Parliament, as well as merely the opponents of a scheme.

893. Mr. *C. Forster.*] Both parties, promoters and opponents, being liable to costs if they appealed?—Any person who appealed against the decision of the Board of Trade should be liable to costs.

894. *Chairman.*] In this way I suppose you consider that you have reserved

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to Parliament full power; that your preliminary tribunal is rather in the nature of a court to advise Parliament than one which is to bind Parliament? —My opinion is that if such a court was constituted it would be, practically, the authority which decided upon these cases. I believe that only in an extremely small minority of cases would their decision ever be appealed from, or the appeal sanctioned by Parliament.

895. That court would consist of permanent officers?—Yes.

896. Whose proceedings would probably be as you have described, steady and consistent?—Yes.

897. Mr. *R. Hodgson.*] The President and the Vice President would not be permanent officers?—The President would not be a permanent officer, nor one of the Vice Presidents, but the additional officers whom I propose to add to the Board would be permanent; there would always be at least two permanent persons at the Board of Trade, sitting upon every Committee on a Bill.

898. *Chairman.*] In case of any novel scheme being proposed, which was something that they had not been accustomed to deal with, and to which they probably might be disposed to object, a Committee of the House, if such scheme were rejected, would allow it after all to be entertained. That Committee of the House would have the capability of moving more with public opinion, perhaps, than a fixed court such as you have described. What I want to understand from your Lordship is, whether you think that your scheme would admit of that elasticity which is requisite for schemes such as are proposed in Private Bills, which are very frequently of a novel character, and for which courts can hardly be constituted?—I think so; and I also think that the constitution of the Board, with the President and one of the Vice Presidents being Members who change with the Administration, would likewise bring the element of a proper consideration of novelties into the Board of Trade itself. That would be consistent with the general scheme of our Government, in which the heads of departments are persons who are changed from time to time, and who act with the assistance of permanent Members. The advantage of that general system of our Government is to unite the benefits of experience with the absence of being too much bound by routine; and I think that you would retain that advantage in this tribunal, as in the other departments of the Government.

899. Mr. *R. Hodgson.*] Am I to understand that the Committee of the Board of Trade, consisting of a President, Vice President, and two Assessors, would go into the inquiry much in the same way as the Committee do now, with counsel before them, and would hear evidence on both sides?—I propose that their proceedings should be precisely similar to those of a Select Committee upon a Railway Bill at present, avoiding what I think was the great error in 1845. If you will refer to the debate which took place upon the Sessional Orders, on the 5th of February 1845, you will see that it was the manner in which those Reports were arrived at which broke down those Reports. I myself took a very active part in destroying their authority, and I think that Sir Robert Peel felt at the time that the manner in which they had been adopted made it impossible to maintain them as at all binding upon Parliament.

900. Your Lordship does not propose that in any case the investigation should be local?—I should think not, but I have not entered into details of that sort. Of course it would be competent to the tribunal if it found it necessary afterwards to depute persons to go and make an examination upon the spot, but I can hardly conceive that any advantage would be likely to result from it.

901. *Chairman.*] You would, I suppose, apply to this new court the same rules as now exist under the Standing Orders with regard to notices, advertisements, and so on, in order to render parties entitled to appear before it?—Yes, with this great difference, that instead of the plans having to be lodged by a particular day in every year in order to proceed in that year, they might be lodged at any time, as the proceedings of this tribunal would be continuous, and then be proceeded with after a certain fixed delay. I also propose that the tribunal, if constituted, should have power from time to time to vary its rules in the manner which might be found desirable, so as to give due notice to interested parties,

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at the same time reducing as much as possible the expense of those who wished to obtain powers by a Bill of this kind.

902. In cases of unopposed Bills, this Board of Trade Court would practically do all the work which is now done by the Committee on Standing Orders, and the Committee on Unopposed Bills?—It would do all that work; and it would relieve the Chairman of Committees in both Houses from a great part of what they now do, because practically I believe it is to the Chairman of Committees (at least, in the House of Lords I know that it is so), that unopposed Bills are referred, and it would enable a more powerful tribunal to deal with those cases than that to which they are now referred.

903. You probably think that there would be greater security to the public interests in Unopposed Bills being looked after by such a tribunal than as they are now looked after by the Committee on Standing Orders, and by the Committee on Unopposed Bills?—I think that there would be much more security, and particularly from the fact that the investigation would not be necessarily crowded into a few weeks. It is absolutely necessary now, from the form of proceedings adopted by Parliament, that the Chairman of Committees in the House of Lords, and of the Committee on Unopposed Private Bills in the House of Commons, should get through their work in a very short space of time, and it would be a very different thing if this work was proceeding continuously during the whole legal year.

904. Would you say that it was desirable, as far as practicable, to bring into a general law all provisions which Parliament had, after experience, decided to be applicable to schemes of any particular kind; would it not be desirable that the tribunal which you would establish should have as much law as possible provided for them, in order to guide their proceedings?—Am I to understand you to mean that Acts of the nature of the Lands Clauses Consolidation Act should be passed relating to other matters?

905. Just so, it being the case that you are constantly, as time goes on, able to reduce into a general law provisions which Parliament sanctions in particular Acts?—I think that the more it is possible to reduce those provisions into a General Act, the better, and that additional Acts upon the principle of the Lands Clauses Consolidation Act would be very useful.

906. Parliament might, as it were, be constantly co-operating with this court in embracing in General Acts such provisions as experience had proved to be necessary, so that the court would have law to guide them?—I think so; and I think that Parliament should not only co-operate with this court, but should exercise a constant and vigilant superintendence over its proceedings, and it is with that view that I have proposed that a detailed report of the reasons for every separate recommendation should be laid before Parliament.

907. Do you contemplate that the assessors should be legal men, or taken from any class where you might find suitable persons?—I think that one or two of them at least should be engineers or persons conversant with railways. I may say that having myself been Chairman of a Committee upon a group of Railway Bills, either last year or the year before, I was very much struck by the extreme difficulty which persons not conversant with the complicated system of railway management as it now is must have in forming a judgment upon the allegations of opposing parties in those matters. I am sure that persons without some knowledge and experience of railway matters must feel that they are incompetent to form a very good judgment upon many of the questions which arise.

908. Mr. *Massey*.] Do you not think that that information is obtained very much by the conflicting statements of opposing engineers?—I think it is; but there are not only engineering questions, but questions of management. When there is a conflict between two companies who are asking for running powers, and various powers of that sort, persons who are not conversant with railway management are very often not at all able to perceive the effect of some of the powers which are asked for by the rival parties; and it is very difficult to arrive at a correct understanding of these matters without considerable knowledge and experience.

909. Mr. *R. Hodgson*.] Would these Bills introduced by the President or Vice President of the Board of Trade be Public or Private Bills?—I think it would be better that they should be Public Bills, like the Bills brought forward by the Enclosure Commissioners.

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910. And therefore not subject to the fees of the Houses?—Just so; but I think that the parties should pay fees for the preliminary proceedings of the Board of Trade sufficient to defray the expenses of the tribunal; I do not think that the public ought to be put to any expense for the creation of such a tribunal. It would be a great relief to the promoters of railways, at any rate.

911. Would your Lordship propose that the fees should be uniform, and that the whole amount should be sufficient to defray the extra expense which would come upon the department of the Board of Trade; or would you suggest that the fees should be levied according to the expenses of each particular case?—That is a point which I have not considered; but knowing how very enormous the expenses of Parliamentary proceedings now are, I can have no doubt that a scale of fees might be contrived which would pay quite well all the expenses of the new department, and at the same time save a great deal of money to the promoters of railway schemes. I think that it is desirable not to put upon them any greater burden than cannot be avoided, because railway communication is an immense advantage to the country, and it ought not to be unduly burdened with expense.

912. Has your Lordship turned your attention at all to the amount of fees to the Houses which are now paid by companies seeking powers from Parliament?—No, I have no information as to the amount.

913. Do you think that justice would be satisfied if those who apply to Parliament for Private Bills paid fees sufficient to cover the expenses which are incurred by Private Bill Legislation?—I think so; I think that that is quite as much as can be fairly asked from them.

914. Mr. *C. Forster*.] In answer to a question of the Chairman as to the category from which your Lordship would take the proposed assessors, you mentioned civil engineers?—I think it is very possible that a good engineer might be a very fit member.

915. I thought your Lordship was going on to mention some others?—They should be persons who have some experience and knowledge of business generally; I do not think that they should be all lawyers; I do not think that that is at all necessary.

916. Mr. *Whalley*.] It is a part of your Lordship's scheme that, in the case of unopposed Bills, some inquiry should be instituted more than at present exists as to whether the public interests are affected by the measure; will you permit me in support of that view to read to you a part of the Report of the Committee in 1846, and to ask whether your Lordship now concurs in those views. This is an extract from the Report of the Committee on Private Bills of 1846: "No provision is made for furnishing the Committees which sit upon Private Bills with complete and trustworthy information either with regard to the local evils requiring remedies, or with regard to the bearing which the provisions proposed in them may have upon the general law of the country. As the public are not represented before the Committee by any competent or duly qualified person, the Committee when the Bill is unopposed are wholly dependent for information on the interested representations of the promoters, inasmuch as the expenses of opposition are such as to deter all parties from venturing to undertake it except those whose interests are directly affected by the project and who are also possessed of considerable means. The consequence is that under the present system the interests of the public at large, who have neither the means of obtaining detailed information as to the proposed measures, nor the means of defraying the expenses of opposition, are often prejudiced by the Local Acts." May I ask whether your Lordship concurs in the views so expressed by the Committee of 1846?—I quite concur in that opinion.

917. May I be permitted to classify the scheme which your Lordship has submitted, in this way: that, first, the preliminary inquiry now carried out by the Committees of Parliament should be carried out, as it were, *titidem verbis*, by some other tribunal, such as the Board of Trade; that, secondly, as to the details of that tribunal, it should be a part of the Board of Trade, and constituted in a particular manner; and that, thirdly (I now point particularly to those suggestions which were made to you, as your Lordship has stated, by Mr. Austin) there is the course which Parliament should be advised to take with reference to the proceedings which they may adopt, in the event of their not being

being satisfied with the result of such investigation. Those occur to me as being the three parts into which your Lordship's scheme may fairly be divided?—Yes, I think so.

918. With reference to the last question of the Standing Committee, and the subsequent hearings before a joint Committee, it might be left, probably, to Parliament itself to devise such a mode as it might deem essential, in order to be satisfied that the investigation by the Board of Trade had been fair and just?—Parliament must decide upon the whole subject; but if an Act of Parliament were passed for giving authority to the Board of Trade, in the manner in which I describe, that Act ought to make provision for the mode of trying the appeals which might be made.

919. Reverting to the first division of your scheme, namely, the establishment of the tribunal, I understand your Lordship to say that you would leave it to that tribunal to determine whether local investigations of any matters which were brought before them would be expedient or not?—I should not propose to prohibit by legislation local inquiry; the only thing which I should propose to prohibit would be any communication between the Board and a party promoting or opposing a scheme, without at the same time making known that communication to the other party. There should be none of those private hearings of objections and reasons in favour of a Bill which formed the great blot in the scheme of the Board of Trade in 1845.

920. Your Lordship is aware that in the Enclosure Commission, to which you have referred, local investigations do take place, and under the immediate supervision of the Board of Commissioners in London?—I think that the business of the Enclosure Commissioners differs considerably from that of a railway, and that, with regard to an enclosure, it may very often be absolutely necessary to have a local examination, which is not at all necessary with regard to a railway.

921. But, so far as obtaining information in the district and reporting it by local investigators to a Board in London is concerned, your Lordship is aware that that is the course which is adopted by the Enclosure Commissioners?—I am aware that they do that.

922. Have you ever heard of any inconvenience attending that course, and that it is otherwise than an efficient mode of ascertaining facts which may be material?—I have not; but, as I said before, I think that questions which are submitted to the Enclosure Commissioners differ very much in their character from those which arise upon a Railway Bill.

923. Upon this question of local inquiry we have the evidence of Mr. Booth, who is known to your Lordship as one of the Secretaries of the Board of Trade. He, having given evidence generally against local inquiries, makes this statement: "With reference to the interference with tidal waters we have powers, and, therefore, there is some propriety in our there making a preliminary inquiry," (he uses the words "preliminary inquiry," it means a local inquiry) "because we act upon our own inquiry; but the preliminary inquiry to which I have always objected is an inquiry where the persons who inquire, or who direct the inquiry, have no powers to act, and it is for some other persons to decide; when we inquire, it is for our own information." Might not the Board which your Lordship has suggested, also find it useful to have recourse to the same mode of ascertaining the facts, as is found convenient to the Board of Trade in the case of tidal waters?—I will not say that that might not turn out to be the case, but I should not expect it to do so. I think that the questions which arise with regard to Railway Bills could generally be determined quite satisfactorily by means of maps in London.

924. But you see no objection to conferring upon the Board to be constituted the power of local examination, if upon experience they should find it desirable to make such an examination?—If on experience it was found that that power was wanted, of course there could be no objection to granting it.

925. With reference to the present mode of inquiring into these matters by Committee, your Lordship is probably aware that it is comparatively a novel mode of ascertaining such facts as bear upon the granting of special powers; that is to say, not more than a century old; and it may be also known to your Lordship that before that time such inquiries have at all times been deemed

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essential before special privileges, franchises, and grants of various sorts were bestowed either by Parliament or by the Crown. With reference to these inquiries, is it also within your Lordship's knowledge that there was a process called a writ of *ad quod damnum* issued by the Court of Common Law, by which inquiries were made as to the public and private injury to be inflicted, or the reverse, by any public work?—I was not aware of that.

926. It was always an essential part of the law of the land that those inquiries should be made upon the spot?—I was not aware of that.

927. Your Lordship may perhaps have read the evidence of Mr. Beckett Denison before the Committee of 1858?—I believe that I read it at the time, but I do not remember it.

928. I mention it because it is precisely in accordance with the views which your Lordship has expressed?—I consulted Mr. Beckett Denison a good deal (the Committee of the House of Lords was sitting at the same time with the Committee of the House of Commons), and I found that his opinions were generally very much the same as my own upon the subject.

929. With reference to the suggestion that the judges of the new court should be persons specially qualified, such as engineers, would not the result of such a court in the instances which you mention, such as a knowledge of the effect of running powers and other details of management, be that the judges would gradually obtain knowledge and experience upon the subject, enabling them to deal with those questions, or at all events could view the evidence brought before them more satisfactorily than a Committee appointed as at present *pro hâc vice*?—That is one of the great advantages of the scheme; I believe that any competent person appointed to the situation of one of the assessors of the proposed Board, would within a year or two acquire experience which would enable him to perform the duty very much more efficiently than any person who was new to it.

930. Has it ever occurred to your Lordship that there would be any loss of influence or legitimate authority on the part of Parliament by its delegating these preliminary enquiries to such a tribunal as you have mentioned, instead of to its own Committees?—I think, on the contrary, that coupled with such a regular system for appeals as I have suggested, Parliament would have more real authority than it has under the present system, because the Houses as collective bodies have practically next to no authority at this moment.

931. Would not, in fact, the full House feel somewhat more at liberty to criticise and to deal with a report from a public Board such as you have proposed, than it does with the report of its own Committee?—I think it would.

932. Do you see a constitutional objection of any sort, such as that Parliament would lose in any respect its proper control and authority over these matters of legislation?—I see no constitutional objection whatever; the only difficulty is with respect to a joint Committee of both Houses; that is to a certain extent a novelty, but the convenience of it is so obvious, that if you do not want to have two appeals, I do not see how you can avoid adopting that course.

933. According to the suggestion which I first submitted to you, it would be a subsequent arrangement with the Houses as to the mode in which they should deal with these reports when they came from the Board of Trade. If on the whole they should be found to be satisfactory, and Parliament should be enabled to understand the subject sufficiently by discussion in the House, of course it might be unnecessary even to appoint such a Standing Committee as you propose, and the matter might take the regular course?—I think not; I think that, if the tribunal was created, it would be necessary in the Act which created it to define clearly the manner in which an appeal to Parliament should be made.

934. *Chairman.*] According to your Lordship's scheme there is, first of all, the trial before the Board of Trade; then, in case petitions are lodged against the decision of the Board of Trade, a Committee is to decide whether such petitions are to be heard by a subsequent Committee?—Yes.

935. That second Committee is a Committee of the House of Commons, is it not?—No; I propose that that should be also a joint Committee; that it should be composed of the Chairman of Committees in the House of Lords, the Chairman of Ways and Means in the House of Commons, one other Peer named

named by the House of Lords, and two other Members of the House of Commons named by that House.

936. Is there not some danger that a Committee such as you describe would be afraid to take the responsibility of refusing to petitioners the hearing of an appeal against the decision of the Board of Trade?—I do not think so, but I do not attach any very great importance to the appointment of a Standing Committee at all; I think that it would perhaps save some unnecessary references to Select Committees; but, subject to the check of imposing costs upon vexatious applications, I do not think that it would materially affect the scheme if you omitted that Standing Committee altogether, and made the appeal to a Select Committee a matter of right.

937. Then you think that there would be a sufficient check against frivolous appeals, or appeals which would not be likely to be successful, by the chance of having costs awarded against them?—Upon the whole, I should prefer a Standing Committee, but I should see no great objection to trusting entirely to the check of costs.

938. Do you think that there would be any feeling in the House of Lords, so far as you can judge, against the constitution of such a joint Committee as you propose?—It is very difficult to express an opinion as to what might be the feeling of the House of Lords upon the subject. The question of having joint Committees of the two Houses was a good deal considered in the year 1845. I had some communication with Sir Robert Peel upon the subject, and I think that he was the person who most objected to it at that time. There was a very great mass of railway legislation at that period, and I think that he objected to the novelty of a joint Committee of the two Houses for the purpose of saving two inquiries. That is as well as I remember, but it is a long time ago.

939. Colonel *Wilson Patten.*] Was not that subject also considered in 1858 by the Committee of your Lordship's House?—I had left London before that Committee got to the end of its inquiries; I was a member of the Committee, and the paper which I have put in was drawn up for its consideration; but I was obliged to leave London before it had got very far in its inquiry, and I am not quite acquainted with the latter part of those proceedings.

940. Does your Lordship know, from the papers in the House of Lords, whether that Committee alluded in its Report to the subject of a joint Committee?—I knew at the time, but I have forgotten now.

941. *Chairman.*] Would your Lordship give to the Board of Trade Court the power of deciding questions of *locus standi*?—I think so; I think that it must decide all those questions.

942. Mr. *R. Hodgson.*] Would you allow an existing railway company to appear against a scheme as competing with its interests?—Certainly.

943. Before the original tribunal?—Yes.

944. And subsequently, in case the matter were re-heard before the Parliamentary tribunal?—Certainly.

945. *Chairman.*] Would it not be more desirable that a company should appear directly, than as they do now, indirectly, by subsidizing a landowner?—I would not limit that. I think that it is essential for doing proper justice to the parties, and for securing the public interest, that all those who are affected by railways should have a full opportunity of being heard when they are proposed, because it is not true that the interest of a person with respect to a railway is limited to the direct injury which it may do to his property.

946. Mr. *Paull.*] The main feature of your Lordship's scheme, I think, is the constitution of a tribunal out of the Board of Trade?—The Board of Trade, or some other department of the Government; I think that, upon the whole, the Board of Trade would be the best. It has been suggested that it should be the Judicial Committee of the Privy Council; but I think that, upon the whole, the Board of Trade is better fitted for it. I am of opinion that it should be some department of the Government.

947. Taking it to be the Board of Trade, would your Lordship be content to leave it to the President of the Board of Trade to select the assistants for the discharge of the duties which you propose to commit to them?—The appointment of those officers, whenever vacancies occurred, would naturally rest with the President of the Board of Trade for the time being.

948. Does your Lordship think that in prescribing that an additional Vice

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President and assessors should be appointed, it would be enough to leave it to the Board of Trade or the department to obtain such assistance from time to time, whether of inspectors, or of engineers, or of lawyers, as they might think was necessary, to enable them to discharge the duties imposed upon them?—I should extremely object to the Board of Trade obtaining temporary assistance from persons to be employed as assistant judges who were not permanently attached to the department, because such persons would almost necessarily be more or less involved in railway interests somewhere or other, and could not be expected to be sufficiently impartial. The foundation of the whole scheme, I think, is, that the persons appointed to assist the President of the Board of Trade should be permanently employed by the department, and entirely unconnected with railway enterprise themselves.

949. Is your Lordship aware that a strong feeling prevails out of doors that an engineer once appointed to a public department has views which run in the same groove, and disqualify him in a great measure from forming a judgment upon the proposals of engineers who are in daily conflict with their fellows?—I am not aware of that.

950. That in the case of officers attached to a public department a bias in a great measure arises in their minds, which prevents them from giving a fair consideration to our schemes?—I do not see any ground for that opinion.

951. Mr. *Massey*.] With reference to the Appellate Committee, I understand your Lordship to propose to constitute an Appellate Committee, consisting of the Chairman of Committees in the Lords and the Chairman of Ways and Means in the Commons, associated with one Member of the House of Lords and two Members of the House of Commons. I do not quite understand what functions you would vest in that Committee; are they to rehear the case upon evidence (that is to say, to hear counsel and witnesses); or are they only to decide upon certain written points submitted to them?—I stated that it was to be a Standing Committee, appointed only to consider the documentary evidence, and to decide whether there were *primâ facie* grounds for a further inquiry; and that, in the event of their reporting that there were such grounds, and of either House adopting their report, then a Select Committee should be appointed, consisting of three Members of the House of Commons and two Members of the House of Lords, to try the case; but a Committee appointed for the purpose in each case.

952. You therefore would make two joint Committees?—There would be one Standing Committee, which would merely have to look at the documentary evidence, and say whether there should be an inquiry or not.

953. And then there would be another joint Committee to try the case, in the event of its being determined that it should be heard?—Yes.

954. Mr. *Puller*.] Do you propose to give the appeal which you have mentioned to any of the parties in any case; for instance, supposing that there is a single scheme and no competing scheme, and that the Board of Trade reject that scheme, do you propose that the promoters shall have the power of coming to the House?—I should propose that.

955. The paper which your Lordship has read does not quite cover that?—In answer to the Chairman, I have said that those resolutions were somewhat hastily drawn; they, perhaps, do not explain that point quite clearly, but my meaning certainly was, that any party against whom a decision had been come to by the Board of Trade, whether the promoters or the opponents of the Bill, should have full power of appealing to Parliament.

956. And you think that that power of appealing to Parliament would give Parliament sufficient control over the railway policy of the Board of Trade to prevent their getting too much into a groove, as has been suggested?—I think so.

957. With respect to the Standing Committee, they would have to deal with a petition presented against the judgment of the Board of Trade?—Yes.

958. They would have before them the Report of the Board of Trade, and the petition against it?—Yes.

959. But not the evidence upon which that Report had been founded, except so far as it was set forth in the Report?—No.

960. Would not such a state of things give rise to this, that the petitioners who

who complained of the Report of the Board of Trade would set out in their petition very fully all the grounds upon which they objected to that Report, or the evidence which made in their favour, and against the Report?—I think so, and I think that that is desirable. I should wish the case of both sides to be set out as fully as possible, but without an unnecessary bulk of documents to be laid before a Standing Committee, which could not without inconvenience have too great a quantity of documents laid before it.

961. If petitioners had the power of doing that, would not it make it almost compulsory upon the officers of the Board of Trade to set out very fully the evidence upon which the report was founded; otherwise the Committee would not have the case fairly before them?—I think that it would make it necessary for the Board of Trade to set forth very fully the reasons upon which their advice was founded, and it was the opinion which Mr. Austin expressed to me of the great importance of having that account of their reasons, which induced me to suggest it.

962. Do you contemplate that this Standing Committee should come to a decision whether the Report of the Board of Trade was a proper conclusion from the evidence laid before them, or only upon such questions as questions of railway policy?—I should not propose to limit their power. I can have very little doubt that a Standing Committee so appointed would exercise their authority fairly, and would not cause the expense of a further inquiry, unless they thought that there were fair grounds for it; but if, on the one hand, they thought that the Board of Trade had adopted hastily some scheme which was likely to be injurious either to private individuals or to the public, or that, on the other hand, they had rejected some scheme merely on account of its novelty, which was likely to be advantageous, I think that in either of those cases they would report to the two Houses that a further inquiry was desirable.

963. Then I think I may infer that you do not expect that, in most cases, the Standing Committee would interpose to prevent an appeal to a Committee?—My belief is that, if the tribunal performed its functions satisfactorily, in a very short time the appeals against its judgments would be extremely rare. I do not think that they would meet with an encouragement which would cause them to be frequently made. The power of appeal might be a necessary check to prevent abuse, but I believe that the existence of the check would prevent the abuse from ever really taking place, or an appeal being required.

964. Does your Lordship rely, to any considerable extent, on the provision with respect to costs?—I think that the provision with respect to costs is absolutely necessary.

965. Might not that provision regarding costs be applied at present with respect to the second hearing of a Bill before the House of Lords?—I should see a good deal of difficulty in applying it, under the present system of Committees, either to the promoters or to the opponents of a Bill, because at present the opponents of a Bill, in many cases, are exposed to very great hardship. It was mentioned the other day, in one of the discussions upon a Railway Bill, that the measure had been already defeated once by the opposition of private landowners, and it was brought forward again. That is putting them to a very great expense; and a great company, who have the means of coming forward year after year, are almost sure in the end to defeat the opposition of private persons. If you were to add to the difficulty of private persons by making them liable to costs in the event of failure, there would, I think, be a risk of great injustice being sometimes done to the owners of property by the manner in which railways were passed.

966. Would it not be just in a case of that sort that the landowners, upon the second application to Parliament, should be entitled to costs if they succeeded in throwing out the Bill?—There is also a difficulty in that, because the second application is generally somewhat varied from the first; it is not exactly the same; and then all sorts of questions would arise as to what degree of difference was necessary in order to prevent costs from being awarded.

967. Does your Lordship propose that when a petition is heard by a joint Committee (I do not mean the Standing Committee, but the Committee who are finally to advise the two Houses upon the merits of the Bill), they should hear the witnesses over again, or that they should hear the case upon the

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shorthand writer's notes of the evidence given before the Board of Trade?—I think that they should hear the witnesses over again.

968. Then, unless the number of appeals was comparatively small, there would be two hearings of the witnesses in a large number of cases?—Yes; as you have now before the Committees of both Houses.

969. Is there a large proportion of Bills which is heard a second time?—I cannot speak positively to that point. A Parliamentary agent could tell you better than I can, but I believe that it pretty frequently happens that there are proceedings before both Houses, and very often after a heavy expense in one House the Bill is rejected in the other.

970. That might happen under the proposed scheme, might it not?—I think very rarely, because in the course of a few years the policy of Parliament, with respect to railways, would come to be perfectly understood; it would be consistent and well understood, and there would be very little chance of upsetting a decision which had been formed, after due consideration by an experienced tribunal, in accordance with the settled policy of Parliament. At present, it is very much a lottery what kind of Committee is appointed in either House for the discussion of a Railway Bill, and whether persons entirely differing in opinion may not be appointed in the two Houses on the Committees.

971. Your Lordship proposes that the giving of notices should go on all through the year; that there should be no special time for giving notices?—That it should go on all through the year, and that there should be a certain number of days after the notices were given before the Board of Trade could proceed to consider the subject, so as to give ample notice to all parties interested, and yet not put the promoters of Railway Bills to the very heavy charge to which they are now sometimes exposed by having to make their preliminary investigations with very great rapidity, in order to prevent their losing a whole year.

972. The object of those notices being notoriety, is not there an advantage in having a particular short period of the year in which it is necessary to give the notices?—I do not see that; I think that the notice would be quite as effectual if it was for a sufficiently long period at any part of the year; indeed, perhaps more so, because the attention of the public is now distracted by the multiplicity of notices, which appear in the Gazette all together; and one may perhaps be overlooked amongst the multitude, but if they kept coming in gradually they would be more likely to be attended to.

973. Colonel *Wilson Patten.*] Your Lordship has said that you have presided over a Committee on a group of Railway Bills?—Yes.

974. Has your Lordship presided over more than one group?—Yes; two or three.

975. Have you presided over so many that you can give us any opinion as to the general results of the inquiries in the Lords, as compared with those in the Commons; whether they differ?—I never sat upon a Railway Committee in the House of Commons.

976. But is your Lordship able to inform the Committee whether, in the long run in the House of Lords, you think that the results are different; that the Bills which have been successful in the House of Commons have been rejected by the Lords, or *vice versâ*?—I have not sufficiently attended to the matter to be able to speak upon it. I have heard, as most people have heard, of one or two cases in which, after considerable expense in one House, the Bill has been rejected in the other.

977. But your Lordship cannot state whether that is of frequent occurrence?—I cannot.

978. How many hours do the Committes generally sit in a day in the House of Lords?—I think about the same as in the House of Commons; we generally meet at 11 o'clock, and counsel are very unwilling to go on later than the time when the Speaker takes the Chair in the House of Commons.

979. That is from 11 to 4; that is the usual time of sitting?—I think so; I think that there is very often a disposition, on the part of counsel, to break up rather earlier for various reasons; points often arise which they want to consider amongst themselves. It not unfrequently happens that the Committee are not able to sit so long as they wish. I have found that the wish of the Members of the Committee has been to sit as long as possible, in order to finish the business, and that the disposition of counsel is always rather the other way.

980. Do

980. Do any of the Lords' Committees sit for so short a period as from 12 to 4?—I do not think that they do. If there is a special reason for meeting at 12 on any day they do so, but I think that the usual rule is to begin at 11.

981. And to go on till four?—Yes.

982. Mr. *Liddell.*] Is there not a strong *primâ facie* ground why railway projects should be submitted to examination by the Board of Trade, in preference to any other public department, in the fact that the Board of Trade are in possession of important statistical information, with regard to existing lines, as to passenger traffic, &c. which would enable them to come to a correct decision in many cases?—I think the probability is that if the tribunal was properly constituted it would generally come to a sound decision, which would not require to be overruled by Parliament. I believe that the decisions of the Enclosure Commissioners have scarcely ever, if ever, been overruled by Parliament, and I think that you might very soon come to the same thing with respect to the Board of Trade.

983. Would not the possession of that information to which I have alluded by the Board of Trade be extremely useful to them in many cases in coming to their decision?—No doubt that information, and the experience which they would acquire, would be of the greatest possible use.

984. Would not the possession of that statistical information in the case of a project, for instance, for the construction of a competing line, be extremely valuable to the Board of Trade; would not the knowledge of the amount of traffic conducted by any particular line of railway be of great assistance to the Board of Trade in forming a decision upon a project for a competing line?—No doubt it would.

985. The Board of Trade have extensive information as to the financial position of companies?—Yes, I think so. I may say, with regard to that, that I think it might be a very great advantage to the public that the Board of Trade, exercising this authority, would have a knowledge of railway business, which might enable it to extend its functions still further; for instance, it might be entrusted by Parliament with power to see that the Acts passed by Parliament were properly obeyed. At this moment you are aware that there is nobody efficiently to enforce the rules which Parliament has laid down for the government of railway bodies; they often give preferences to one individual over another, and violate the principles which Parliament has laid down in their Acts for the security of the public in many ways; and no private individual in a district traversed by a railway likes to come forward against the company, because those bodies are so powerful, and have such means of annoyance to any individual that opposes them, that very few men will bring those cases before a court of law. In France, I believe, that, upon application to the Minister of Public Works, and an allegation of any abuse of that kind, the minister takes it up on behalf of the public, and brings the case before the legal tribunals. I think that if the Board of Trade was strengthened in the manner which I suggest, it might render very great service, not only by advising Parliament as to what Bills should be passed, but also in taking care that the conditions upon which those Bills had been passed were observed by the companies.

986. And would not the conferring considerable power upon the Board of Trade in the matter of deciding upon a competing line, as to whether the public necessity for such line existed or not, tend to curtail immensely the amount of railway business which is now brought before Parliament?—No doubt. Persons now, who have had a scheme before Parliament one year, very frequently come forward again, because, they say, that they may get another Committee having a totally different opinion; but if they were to go again before the same Board with the same facts, they would naturally not incur that expense.

987. You propose, I think, that what I may call the Railway tribunal should sit at all times of the year, and should be always open to parties coming before it?—They must have their vacation like the courts of law, but they should sit as long as the courts of law sit.

988. I presume that the joint Committee for examining petitions, and the further joint Committee to try such petitions, would only sit during the Session of Parliament?—During the Session of Parliament.

 989. Consequently

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989. Consequently, it would happen that all the schemes which came before those joint Committees would be hung up until such time as Parliament sat?—That would be the case both as to opposed and unopposed Bills; because the Report of the Board of Trade would in all cases require to be confirmed by an Act of Parliament; but I do not see any practical inconvenience which is likely to arise from it.

990. With a view of still further shortening the Parliamentary business, would your Lordship be in favour of calling upon the joint Committee, who are to try the question of the petition to sit longer hours and to be more assiduous generally in their duties, than is the case at present?—I doubt whether that would be necessary. I believe that the hours for which Parliamentary Committees now sit are almost as long as the attention of counsel and of the Members of the Committee can be usefully directed to the subject. I have generally observed that in very long sittings the business is carelessly done towards the close of the sitting.

991. Colonel *Wilson Patten.*] At the same time your Lordship has stated that the sittings of the Committees of the House of Lords are of five hours' duration?—Generally.

992. Mr. *Whalley.*] With reference to the other classes of private business, assuming that your Lordship's scheme should be adopted with respect to railways, do you contemplate that it would be also applicable to other classes of private business, such as Water Bills, Gas Bills, Public Health Bills, Police Bills, Towns Improvement Bills, Dock and Harbour Bills, &c.?—I should be sorry, if such a tribunal was created, to overload it with business in the first instance. I think that it would be imprudent to give it too great a load of labour until it had been tried. Railway Bills, or Bills for the formation of docks and harbours and some objects of that kind, I think might clearly be included; and that, perhaps, with further experience, the functions of the tribunal might be extended to additional classes of Bills, but in creating a tribunal of that sort, I should not like to give it too great a load of business in the first instance.

993. Apart from the mere inconvenience to the tribunal itself, you think that it would be applicable to other classes of private business as well as to railways?—I do not think that the evil of the present system is felt nearly so much with respect to any other Private Bills as with regard to Railway Bills.

994. Assuming that the description of Bills referred to that tribunal should be extended, do you contemplate that in those cases it would be necessary to give the same elaborate mode of appeal which you have prescribed with respect to railways?—That is a question which I have not considered; I think that that would require farther consideration hereafter.

995. Would it be in accordance with your Lordship's views that the difficulties and the peculiarities attending railway legislation result from this circumstance, that there is generally a very large fund at the command of the parties on the one side or the other to carry on litigation, irrespective of the public importance of the questions in dispute?—I think that the magnitude of the pecuniary interests at stake is one cause of the difficulty with respect to railway legislation; it induces parties to spend very large sums of money in endeavouring to carry, or to resist, schemes in which they are interested.

996. Is it in accordance with your Lordship's knowledge of railway affairs that large companies who find themselves unable to oppose new projects, or any policy to which they are opposed, upon the merits, are in the habit of relying upon their power by means of the present tribunals, of putting their opponents to a very large amount of expense; in fact, that their means of putting their opponents to expense is one of the recognised weapons in railway contentions?—I have heard it stated that such is the fact, but I have no knowledge of it myself.

997. Under those circumstances, might it not be expedient that any appeal which should be allowed to come from the Board of Trade should be carefully guarded against its liability to abuse by persons actuated by such motives; for instance, if a great company, the London and North Western or the Great Western Railway Company, found that they could present a petition against a decision, and that that would be argued before the Standing Committee, such as you have mentioned, and that then they might get another re-hearing of all the

the evidence, and so forth, before a Select Committee, would it not be consistent with the suggestion which I have offered that they would have recourse to that machinery merely for the purpose of putting their opponents to expense in the case of a new project by landowners desiring to have a railway, in the hope that they would exhaust the resources of those landowners by the conflict?—I think that the power of awarding costs for vexatious opposition would greatly check any attempts of that kind.

998. In a new project the difficulty of raising money depends not, I apprehend, so much upon the prospects of the project, supposing it should pass, but upon the risks attending its passing. If landowners are applied to to subscribe money to support a project, they naturally take into their consideration the worst which can happen, and if they are to contemplate that, their rivals, being a great company, will carry them before three or four tribunals, and perhaps be unsuccessful at last; would not that be a means of deterring landowners who might be greatly in want of a railway from undertaking an enterprise for that purpose?—It seems to me that it is impossible to adopt any system by which powers for making railways can be granted without a substantial inquiry, and it has not occurred to me that a substantial inquiry sufficient to afford security against abuse could be provided in any manner more effectual and cheaper than that which I have suggested.

999. Your Lordship has alluded to the practice in France; are you aware that they there adopt a very different course under these circumstances; that the French system, for instance, raises the question in a twofold manner. First, they say, is the project a public advantage? Taking a general view of it, we will say that it is a railway from A to B, having the general course of the line laid down. That question is first investigated, and only when that question has been decided by the tribunal favourably to the project, are the promoters put to the great expenses which we have to incur in the first instance of accurate surveys, notices to landowners, and all the contentions which arise out of that system. Do you think that something of that kind might be adopted with advantage here, with the view of relieving the project in its earlier stages of the amount of risk and expense which must naturally defeat the object which your Lordship stated was desirable; namely, encouraging projects which are for the public benefit?—The French system of proceeding with regard to the construction of railways has no doubt certain advantages, but I very much doubt whether it would be applicable to this country; and at all events I think that Parliament having acted for a very considerable number of years upon the principle of allowing railways to originate with private parties, rather than with a department of the State, it would be extremely difficult, if not impossible, to proceed entirely upon the other scheme.

1000. I did not in the least contemplate any change in that respect, but only this: that supposing such a tribunal as you have suggested to be established, they should be authorised to receive, in the first instance, a general statement of any project which was in contemplation, namely, a railway from A to B, and that before they subjected the parties to the heavy expense of all the details of the surveys, all the notices to landowners, and those matters which give rise to so much contention, they should have a hearing as to whether the project itself was one likely to be of public advantage; and that, assuming that they should decide in favour of the project, they should then issue a provisional order, in fact, analogous to the inclosure proceedings?—I have no experience at all of the French system.

1001. Mr. *Adair*.] Does your Lordship propose that the parties appealing from the Board of Trade, whether promoters or opponents of a scheme, should deposit a sum of money, rendering themselves liable to costs in case of not succeeding?—I do not think that it would be necessary to require them to deposit a sum of money. I think that those who appealed against the decision of the Board of Trade should be required to give security for the payment of costs in the event of costs being awarded against them.

1002. And the possibility of having costs awarded against them would only arise in cases of appeal to the House?—Only in cases of appeal to the House.

1003. Mr. *R. Hodgson*.] What are the obligations which you suggest, that the Board of Trade, or this Committee of the Board of Trade, should have the

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power to enforce upon companies for the enforcement of which there is no provision at present?—I think that it would be very desirable if the Board of Trade was strengthened, and the department made more able to undertake business of that kind. I think that the President should be invested with the power of directing proceedings in a court of law, in any case in which he thought that it was necessary to enforce the observance of the law by railway companies.

1004. *Chairman.*] Without being moved to do so by individuals complaining?—He might do it, either upon individuals complaining or from the knowledge of the Board of Trade itself. For instance, I may mention a case. I believe that the law requires that the railway companies on all the public lines should consume their own smoke. These Acts were passed with the intention that they should burn coke. Upon a great many lines I observe that they are burning coals, and are burning coals in such a manner as to create a smoke, which is a very great nuisance to the neighbourhood, and to the passengers in the train. Now, if that is contrary to their Acts, I think that there should be some independent authority to enforce the law, without compelling any individual upon the line to incur the opposition of the company by bringing the case before a court of law.

1005. Mr. *Massey.*] Your Lordship is probably aware that the administration of the Smoke Acts is vested, by a special clause in the Acts of Parliament, in the Home Office?—As regards the Smoke Act in London, it is so, but with respect to railways in general, I believe that there is no public authority to prevent the companies having locomotive engines with smoke; and in travelling by a railway now, persons are very often very much annoyed by smoke.

1006. Mr. *R. Hodgson.*] The law, I think, is, that companies shall be bound to construct engines so as to consume their own smoke?—I believe that that is a provision in most of the Railway Acts now. The companies have acquired their powers upon those conditions, but very often do not carry them out. As respects other matters, there are clauses in many of the Railway Acts requiring that all level crossings shall be properly watched, and I know that in many cases those provisions are entirely neglected; that the level crossings are not properly watched, and that there are great risks of accident to the public in consequence.

1007. Is not your Lordship aware that the Board of Trade have power to call upon railway companies to erect a bridge in lieu of a level crossing, if they consider the safety of the public requires it?—I really do not know what the power of the Board of Trade in that respect is.

1008. Colonel *Wilson Patten.*] What I understand that your Lordship complains of, with regard to the burning of coals instead of coke, is, that there is no authority at the present moment which does enforce (whether there is the power or not) regulations with regard to railway companies consuming their own smoke?—I certainly very often see railway trains running and not burning their own smoke.

1009. And your Lordship is aware, that in the Railway Clauses Act there are provisions which compel every company in the kingdom to consume its own smoke?—I understood that to be the law. There are other cases a great deal worse. There is very often a great deal of favouritism in railway companies, in giving advantage to one mineral proprietor over another. Nobody acquainted with the practical management of railways in this country can fail to know that, under the name of a special bargain for carrying large quantities, there is very often a great deal of favouritism in giving advantages to one proprietor of minerals over another.

1010. Mr. *R. Hodgson.*] Does not that frequently lead to actions by mineral traders against companies, in order to prevent that partiality?—Exactly so, and those actions are practically inoperative; people know that the power of railway companies is so great that they do not venture to proceed against them. In France, I believe that the remedy is much more summary.

1011. Is it not the fact, that in many instances they have proceeded against companies?—They have proceeded, but I believe that the cases which have been brought before the courts have been very few, compared with those in which the grievance has existed.

1012. If those cases which have been brought into court by the sufferers have not

not succeeded, why is it to be supposed that if the Board of Trade brought those actions in the place of individuals they would succeed?—If the Board of Trade were acting in behalf of the public, and found that there was a substantial injustice arising under the present law, no doubt they would propose to Parliament some means of extending the powers of enforcing a just treatment of all parties.

1013. Does your Lordship think that the President of the Board of Trade has not the materials now to enable him to do it, if the law is effective?—I do not think that, practically, the management of railways is brought sufficiently closely under the cognizance of the Board of Trade to lead to a remedy for that evil being applied.

1014. You are aware that no line can be opened for passenger traffic without being inspected and approved by an officer of the Board of Trade, excepting at the risk of the company?—I am quite aware of that.

1015. Mr. *Puller*.] As I understand your Lordship, you do not propose that the parties in whose favour the Report of the Board of Trade is made should be allowed to put in a counter petition, or counter statement to the petition of the opponents, to be considered by the Standing Committee?—I do not think that that is necessary. I should consider that the Report of the Board of Trade would state the case in favour of the Bill sufficiently fully to enable the Standing Committee to conduct that mere preliminary inquiry, which would not be a full inquiry at all.

1016. Supposing that for a considerable time under one President of the Board of Trade, a certain line of policy had been followed by that body, and that a new President was appointed who took a different view of those matters, do you contemplate that he should give instructions to his assessors or vice-presidents to adopt a new line in conformity with his views?—I do not contemplate that; I think that in a short time the policy of Parliament with regard to railways would come to be a good deal settled, independently of the individual who happened to be President of the Board of Trade at the time.

1017. Does not the policy of Parliament fluctuate a good deal; is it not rather progressive?—The policy of Parliament at present fluctuates very much, because in point of fact it is not the policy of Parliament, but it is the policy of small Committees, composed of different persons, varying every day.

1018. Still upon the whole is there not a progress and a change in general opinion, and in the opinion of Parliament upon these questions?—I think that the great objection to the present system is, that it does not lead to any deliberate settlement of the policy of Parliament. Under the arrangement which I have proposed, I think that that policy would become the policy of Parliament, because it would be originally the consistent policy of a great public department adopted subject to the control of Parliament; and in a few years, by appeals now and then being brought forward, it would come to be settled what was the deliberate intention of Parliament upon the main questions which arise with regard to railways.

1019. Colonel *Wilson Patten*.] Your Lordship wishes to make some observations upon a proposal which was suggested by Mr. Booth in his examination, by which the field of inquiry would be somewhat narrowed with reference to the Reports of the Board of Trade?—Yes; I certainly see great objection to any attempt in that manner to narrow the field of inquiry; I do not think that it is at all true that the interest of a landowner, for instance, with reference to a railway, is really limited by the fact of what is done upon his own land. The scheme may not in that particular point be an injury to him, but every person inhabiting a district has a very great interest in having the best line of communication made which is practicable, and the line may be laid out either injudiciously or unfairly; it may be laid out with a view to afford unfair advantage to one individual at the expense of another; I think that every landowner should therefore have an opportunity of opposing a Bill upon its general merits as well as upon the manner in which it affects his own land, because the construction of one bad line through a particular country will almost invariably make the construction of a good one impracticable, so that if the line is badly laid out all persons inhabiting that district should have the power of being heard against it.

1020. And inasmuch as the preliminary inquiry which has been suggested by the Honourable Member for Peterborough is not a system which is in

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existence at the present moment, this is almost the only means by which in some instances you can get at the real merits of a line?—It is the only possible mode of doing so. Then again I think also that competing lines should be heard, because I cannot at all agree in the doctrine that unrestrained competition among railways should be allowed; in my opinion, the effect of establishing competition among railways is to lead to a great struggle between different lines, and great loss to the shareholders, and eventually a compromise in which the interests of the public are sacrificed; if two lines are made where one if judiciously arranged would have performed the same service, there is not only the loss to the nation of a great amount of unnecessary capital, which is thrown away in the construction of two lines, but the two companies with their separate staffs, and their separate establishments, cannot afford afterwards to serve the public so well and so cheaply as a single well laid out line and an efficiently constituted company could have done. We know that, in point of fact, a company with a small business and in poor circumstances never does give good and cheap service to the public; and that accidents are very apt to occur upon a line of that sort; I, therefore, think that the opposition of competing lines to a railway should on no account be shut out.

1021. Then your Lordship would suggest that whatever the tribunal which should be constituted by Parliament to investigate these schemes might be, there should be reserved to all parties, as at present, the power of opposing lines?—Most certainly.

1022. *Chairman.*] I understand you to say that you would leave to the Committee of the Board of Trade the decision as to the *locus standi*. They would decide as to whether a company should be heard in opposition to a scheme, on the ground that that scheme was a competing scheme, and was withholding traffic from an existing company?—What I mean is, that whether you retain the existing system of Committees, or whether you establish a new tribunal to judge upon railway matters, in either case it is essential that you should not narrow the grounds upon which parties can be heard as opposing railway companies.

1023. But you would leave it to the tribunal itself to settle the question of *locus standi*?—Yes, upon an understanding that the existing rules on that subject should not be narrowed. I do not think that any rules should be established which would prevent persons who have now a right of being heard in opposition to a railway from being so in future.

1024. That Committee might decide that a competing company should not have a *locus standi*?—There are cases in which a decision of that sort might be come to very properly; but, as I understand, it has been suggested that an existing railway company should have no right to offer objection to a projected line on the ground that it is unnecessary and in competition with them, and that they afford the amount of communication which is required for the public. I do not think that an opposition on that ground ought to be shut out.

1025. Still there is nothing in your plan which would preclude the Committee of the Board of Trade, which you would establish, from laying down such a rule; if they thought right, upon the whole, to exclude parties from evidence of that character, they could do so?—They could do so, subject to the control of Parliament; but any rules of that kind which could be adopted by the Board of Trade would, of course, be subject to revision by Parliament; and my opinion is, that Parliament would not sanction any scheme which would shut out persons from opposition, upon those grounds, to a railway project.

1026. Colonel *Wilson Patten.*] Your Lordship thinks that the plan recommended by Mr. Booth would exclusively shut out landed proprietors from going beyond the merits of their own particular case?—Yes; that if the line was no annoyance to the land which it crossed, the landowner should not be allowed to appear against the railway upon the ground that it was giving communication to the country in an injudicious or an unfair manner.

1027. Mr. *Puller.*] Your Lordship would allow a party who had not been heard before the Board of Trade, upon the ground that he had no *locus standi*, to appeal to the House of Commons?—I would allow any decision arrived at by the Board of Trade to be the subject of an appeal to Parliament; that is essential to the whole scheme.

1028. Mr. *Adair.*] Would your Lordship propose to allow a new opponent to

to arise in the House of Parliament who had not appeared before the Board of Trade?—Certainly not.

1029. *Chairman.*] Supposing that the tribunal which you would constitute had laid down as a rule that an existing company should not be heard against a proposed scheme, on the ground that such proposed scheme would unfairly compete with it, if they discovered that a landowner's opposition was really the opposition of some existing company, for which he was paid, they would stop such landowner and would not hear that landowner on the merits of the Bill, knowing that but for the subsidy from the railway company behind his back he would not appear at all?—I think it is very difficult to express an opinion upon a speculative case of that sort without knowing the actual circumstances of the case.

1030. Is it not notorious that there is a great deal of the opposition of landowners which is subsidized opposition, and which would never appear at all except it was backed by some competing railway company whom the Committee would not have heard, if it had appeared directly?—I think that is very possibly the case, and I have no doubt that an experienced tribunal would have greater facility in rejecting improper opposition of that kind than a chance Committee of five Members of either House.

1031. Mr. *Lowe.*] Your Lordship assigns to Government the function of limiting the competition of railways in certain cases, as I understand?—To Parliament rather.

1032. Would your Lordship restrict that function of limiting competition to railways, or would you extend it to other branches of the investment of capital?—I am not aware of any other branch of industry which requires it to the same extent; but nature has in point of fact limited the power of competition in railways; in many parts of the country there is only one valley up which a railway can be taken, and only one line of communication which can possibly be contrived, and therefore it must be in the possession of a single party; you cannot prevent a monopoly, and as it is to be a monopoly, it ought to be a monopoly under regulations very carefully laid down by Parliament.

1033. You think that the fact that nature gives in many cases a monopoly is a reason why the Legislature should assist nature in giving monopolies where nature does not give them?—But nature never allows of a free competition, because there never can be more than two or three lines at most; you never can have what is really free competition in railways; and we know by experience that railway competition generally ends in an arrangement between the competing companies after a great deal of expense.

1034. The case which we are speaking of, I apprehend, is where one line is in existence and another is proposed, which it is supposed will diminish its profits or compete with it; and your Lordship is of opinion that that allegation of competition is a legitimate ground to be taken into consideration in the matter?—I think that sometimes it is a legitimate ground, but that sometimes it is brought forward without reason; I think that Parliament should take care not to limit competition more than is necessary; but I think that an unnecessary expenditure of capital and unnecessary expense should be prevented.

1035. What is there in railways which makes them an exception to the general rule of free competition; why should the Legislature interfere specially in railways rather than in other things, steam packet companies, for instance, or harbour companies?—I am not aware that the construction of one harbour interferes with the construction of another.

1036. Supposing that Hartlepool wanted to improve its harbour, would you allow Hull to petition against that improvement on the ground that it would injure the trade of Hull?—Certainly not.

1037. Will your Lordship have the kindness to tell us how you distinguish the two cases?—There is at present a line from London to York; if another line was passed almost side by side with it, I think that the consequence to the public in all probability would be that there would be a nominal competition for a few years, and after that the two companies would come to an arrangement; they would both be put to an extra expense; each must keep up its staff, and they could not possibly afford to serve the public as well and as cheaply as if there was a single line, and the public in some shape or other must pay for that increased cost.

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1038. Would not that argument go rather far; would it not go on exactly the same grounds to prohibit the existence of two grocers' shops in the same street?—No, I think not, because there is not the same enormous expense, in the first instance, in setting up a grocer's shop.

1039. Little things are great to little men; it is a great expense probably to the man who set it up, and his capital is perhaps exhausted if the establishment of another shop leads to competition?—I have no doubt that many very difficult questions might arise as to the possibility of limiting competition in particular cases, and in these cases I think experience has proved that it is best to allow competition to operate; but with regard to railways, experience is all the other way.

1040. Where has your Lordship derived experience upon free competition in railways?—You have had two railways to Manchester, competing with each other at very great expense, and a serious accident occurred from the reckless speed at which a train was carried round a curve, and then the matter was compromised.

1041. Colonel *Wilson Patten*.] Is your Lordship aware that since that compromise the fares are higher than they were before the competition?—I have heard so, but I do not know whether it is true.

1042. Mr. *Lowe*.] But if railways were really free to be made by anybody who liked to make them, would not it very much discourage the laying out of new lines which were unnecessary, because it would show that everybody did it under the same peril of being himself competed with?—I think that it would, on the contrary, be attended with the double evil, that it would discourage the formation of necessary lines, and encourage the formation of unnecessary ones.

1043. You do not think that it would be a more healthy way of checking competition to leave its action free, than to interfere with it by the Legislature?—No; I think that the tendency of leaving it free would be to induce parties, where they saw a large and profitable traffic carried on between great towns, to project a new line, possibly for the mere purpose of extorting money from an existing company, or else in the hope of obtaining a share in the profit, without reference to the fact that the public would suffer in the manner I have already described, from establishing two lines where one is sufficient. And, on the other hand, where there was a district of country which would but barely support one line, and could not support two, and where a line was very much wanted, it would discourage people from endeavouring to open out that country, from the apprehension that the undertaking might be injured by an unnecessary and competing line being at some future time established.

1044. Is not the view which your Lordship takes founded a good deal upon the supposition that railways pay more between their termini than from their local traffic?—No, I have no doubt that the local traffic is in many cases the most valuable.

1045. And that is the part which is least affected by the competition of other lines?—In general it is.

1046. *Chairman*.] Is there anything which your Lordship would desire to add?—No.

1047. Mr. *Whalley*.] Has your Lordship read the evidence which was given before the Committee in 1854, presided over by Mr. Denison, the present Speaker of the House of Commons. The evidence before that Committee was to the effect, that in mineral districts there was such a tendency to connect mineral branches with the railways passing through the districts, that on the suspicion of that tendency, the existence of one railway through a mineral district had the effect in many instances of deterring capital from being invested in that district, because capital so invested being dependent upon fair and impartial treatment was deterred so long as there was only one railway in the district. That was the tendency, I think, of the evidence; do you think that that is a reasonable apprehension?—I am not acquainted with the evidence, and that is a point which I have not considered.

William Nathaniel Massey, Esq., a Member of the Committee; further Examined.

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1048. Colonel *Wilson Patten.*] IN the evidence which you gave the other day before this Committee you were asked whether you could state the number of instances in which, in the House of Lords, the decisions of the House of Commons had been reversed; are you now prepared with that information?—Yes; I have caused that inquiry to be made. There were in last Session 109 Bills which were opposed in the House of Commons and afterwards sent to the House of Lords; 46 were subsequently opposed in the House of Lords; of these 46, the House of Lords concurred in the decision of the House of Commons in 42 cases; in four cases they differed, and threw out the Bills which had been passed by the Commons. In the eight cases which were opposed in the Lords and sent down to the Commons, the Commons concurred with the Lords in every case. That relates to the Session of 1862. I have only taken that Session; it is a fair average Session.

1049. I believe it is your duty, at the commencement of the Session, to confer with the Chairman of Committees of the House of Lords as to those measures which should originate in the House of Lords and those which should originate in the House of Commons?—Yes, I do that by Standing Order.

1050. Do you find any difficulty in arranging the number which shall commence in each House?—Yes, a considerable difficulty. I find that the number of cases which Lord Redesdale, acting on behalf of the House of Lords, can venture to undertake is very small in proportion to the cases which must commence in the House of Commons. Lord Redesdale says that the resources of the House of Lords in manning Committees are extremely limited, and that he cannot, on their part, undertake the risk of having more than a certain number of contested cases to inquire into. This year, I think, we had nearly 400 Private Bills. Some few of them went off before the sessional conference took place between Lord Redesdale and myself; and of those 400 Bills Lord Redesdale consented to take, I think, 82.

1051. Supposing that in the 42 Bills to which you allude as having been concurred in by the House of Lords there had been no power of appeal, that difficulty of arranging matters with the House of Lords at the commencement of the Session would have been very materially obviated?—The result would have been that the labours of the Commons would probably have been relieved by those 42 Bills which might have commenced in the House of Lords.

1052. Which on an average of about five Bills to a Committee would make a considerable number of Committees?—Yes. The whole number of Bills last year actually contested, which commenced in the Commons, I think, was 133; in 24 of those the preambles were not proved, and in 109 cases they were proved and sent up to the Lords; so that of 133 Bills which were actually tried in the Commons, under an arrangement by which the Houses should agree to take one inquiry, the Commons could have been relieved of 42 Bills, which might have become the subject of original investigation by the Lords.

1053. From your experience, are you inclined to think that whatever the decision of this Committee may be in other respects, it is desirable to recommend to Parliament to abandon the double investigation in the House of Lords and in the House of Commons?—Yes, I think that is so great a grievance, in fact, and so utterly indefensible in principle, that I should be disposed to waive all minor objections to the constitution of a tribunal to inquire into these matters, if I could arrive at that result.

1054. Mr. *Paull.*] In the case of the four Bills which were rejected by the House of Lords, did you inquire into the nature of those Bills; were they Railway Bills?—Three of them, I think, were Railway Bills; but I have not the memorandum with me.

1055. Did the memorandum enable you to say what was their ground of rejection?—No; that is an inquiry also which I have caused to be instituted, but I do not know that much will turn upon it.

1056. Was it on the ground of competition, or was it on technical grounds?—I shall be able to ascertain that.

1057. Mr. *Adair.*] How do you propose to ascertain the ground on which

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the Lords rejected those particular Bills?—I have no doubt that through the agency of Lord Redesdale's staff I can ascertain that.

1058. Are the Lords in the habit of stating on what ground they reject Bills?—No, I believe not; but, as a matter of fact, there would be no difficulty in it.

1059. But is it not a matter of fact which should not be stated, except on the most reliable authority; inasmuch as an opinion expressed in that form might be supposed to influence the general legislation of their Lordships' House?—A statement that the Lords had rejected any Bill upon any particular ground would be inaccurate; but what I understood was, that it was desired to ascertain the grounds of controversy which took place in the Committees of the House of Lords with respect to these four Bills, and those I could ascertain.

1060. That is to say, the grounds of opposition alleged against them?—Yes, that is a fact, of course. The grounds of opposition are manifest, and could be ascertained, and probably the inference which the Committee would draw would be that the Lords had founded their decision upon the evidence which they had heard with reference to the controverted points.

1061. Mr. *Paull.*] That information would be obtained from the Parliamentary agents in charge of the Bills almost as well as from anybody else?—Yes, there is no difficulty in obtaining it.

1062. You have stated that Lord Redesdale said that it was very difficult to procure more than a certain number of Committees in the House of Lords to whom Bills could be referred originally. How does it come to pass that they get through all the mass of business which there is at the end of a Session?—There are two modes of doing business, business is done, and business does itself. The difficulties which Lord Redesdale as Chairman of Committees has to encounter in making up Committees are very great. In the first place, his resources are limited, and the House of Lords do not assert the power of compelling the attendance of Members on Private Bill Committees which this House does.

1063. Colonel *Wilson Patten.*] I believe that in the long run many Bills are disputed in the House of Commons which are not afterwards disputed in the House of Lords, the parties themselves taking the decision of the House of Commons, and *vice versâ*?—Yes, that applies to more than half.

1064. Mr. *Walpole.*] I had not the pleasure of hearing your evidence on the last day, but I have read it, and I gather from that evidence that you do not recommend changes in the present system for the purpose of trying a new tribunal, in the first instance, at all events?—Yes, I think I said that I should have been disposed to adopt a new tribunal; but that I had extreme doubts whether Parliament would assent to such a proposal.

1065. One of your chief grounds for not recommending altogether a new tribunal is the great disinclination in Parliament to part with its jurisdiction?—Yes.

1066. Is it very clear that Parliament would practically be parting with any jurisdiction much greater than it now ceases to exercise, if provisional orders were made sanctioning schemes to be submitted to Parliament?—I think that Parliament has parted with a great deal of its jurisdiction by the course which general legislation has taken of late years.

1067. For instance, you, as Chairman of Ways and Means, to whom all the unopposed Bills are referred, very naturally decide all those questions, and Parliament, I believe, rarely, if ever, questions your decision?—Very rarely.

1068. With regard to opposed Bills, they go to a Committee of five Members, and Parliament almost universally, and very properly in the opinion of most Members of the House, trusts to the judgment of those five Members, and therefore does virtually part with its jurisdiction; is not that so?—That is so.

1069. Then supposing that any scheme was adopted like that which has been propounded to us either on the part of Mr. Booth, or on the part of Mr. Rickards, or on the part of Lord Grey, by every one of whose schemes the matter would be submitted in some form to Parliament. Parliament would have almost as much jurisdiction over the law to be made as it has at the present moment; is not that so?—I think so; I have never disputed it.

1070. Then supposing that it was made to appear that the effect of either of those

those schemes would be that Parliament had the jurisdiction which might be desirable for it to retain, the objection to constituting a new tribunal might be supposed gradually if not altogether to be done away with?—Yes; I think that the objections to parting with the jurisdiction rest very much on the tradition of high Parliamentary authority, and are not founded upon practical considerations.

1071. Do you think that the amendments which you have suggested then could do away with the objections, and the unsatisfactory nature of the present tribunal?—I think that the amendments which I have taken the liberty of suggesting would have the effect of mitigating the existing evils, but not of altogether removing them.

1072. Mr. *Puller.*] May it not be to some extent the case that the House of Commons is more willing to acquiesce in the decision of the Committee to which a Railway Bill is referred, from its feeling that if the Committee has unfortunately done wrong there is another hearing before the House of Lords?—I have not been able to detect that reason as at all operating on the minds of Members of the House of Commons in acquiescing in the decisions of their own Committees.

1073. Would it not be a fair reason to influence the minds of Members, there being of course great inconvenience in discussing such things in the House?—I think that it would not be a reason of any weight.

1074. You have spoken of the practice of hearing a contested Bill a second time before a co-ordinate tribunal as being quite unexampled in other matters. Is not the question which is raised before a Railway Committee one of a totally different character from the question before courts of justice?—The questions raised before a Railway Committee are peculiar; they are mixed questions of policy and public convenience; they partake somewhat of legislation, and a good deal of the administration of justice.

1075. In questions before a court of law, one party is supposed to be in the right and the other in the wrong?—Yes, there is a definite issue ascertained by a process prescribed by the courts.

1076. In questions before Railway Committees it is most commonly a balance of advantages and disadvantages?—Yes, it is a question of a very different character from the questions which are entertained by the tribunals.

1077. If a man sues me at law he must get the jury to be unanimous before he recovers a verdict?—Yes.

1078. If a railway company comes to take my land before a Railway Committee, the casting vote of the chairman, or the casting vote of, perhaps, the least competent Member of the Committee, may decide the question in its favour?—Parliament has thought proper to refer these matters to a Committee constituted of various elements; some Committees will be better than others, and all tribunals, even legal tribunals, are sometimes wrong.

1079. In the case of a trial at law, if I am dissatisfied with the verdict, I can, in many instances, move for a new trial, and if I can show that the jury have been misdirected, or that the verdict has been against evidence, I can have a new trial?—Yes, if you can satisfy your judges that you have a substantial ground of complaint, or that there has been a positive miscarriage of justice.

1080. If there is any legal point which I think has been decided wrongly against me, I can have an appeal?—Yes, if there is any legal point arising upon what is called the record.

1081. There are very few cases in which a matter may not be heard a second time in judicial contests?—There is no case that I am aware of in which, after an inquiry has been made by a tribunal constituted for the purpose, the parties coming out of that inquiry are at liberty to pass into another inquiry before a precisely similar tribunal.

1082. Not as a matter of clear right?—Not as a matter of right.

1083. But in a new trial the jury would be a tribunal of precisely the same kind?—They would be a tribunal of precisely the same kind; but the parties have no means of getting at that tribunal, except through the intervention of a court of law, which rigorously scrutinises their claim to be re-heard. The maxim of a court of law is *interest republicæ ut sit finis litium.*

1084. Do you not think that the allowing of costs would be a sufficient protection

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tection against needless contention?—I think that it would be a great step towards restraining a vexatious repetition of inquiries; but at the same time, as I have before observed, I find that money is lavished so recklessly by companies who are desirous of obtaining their object, that I am afraid that it would not be so effective a protection to persons who are dragged before these tribunals.

Hugh Edward Adair, Esq., a Member of the Committee; Examined.

H. E. Adair, Esq., M. P.

1085. *Chairman.*] YOU have had some experience, have you not, as a Chairman of Railway Committees?—I have had the honour of sitting as Chairman now for, I think, nine Sessions, and of course, during that time, I have seen every variety of railway legislation. Bills for amalgamations, for the construction of new works, for financial arrangements, for extensions of time, for abandonment of existing powers, and, in fact, all the different objects which railway legislation comprehends.

1086. Are you aware that complaints are made of the present system, and do you think that those complaints are well founded?—I am perfectly aware that a great many objections are made to, and complaints made of, the existing tribunal, and I think with very great reason, both by the suitors and by the public at large; and the suggestions which I shall venture to make to the Committee will all be founded on the assumption that Parliament proposes to retain within itself the powers which it now exercises over Railway Bills. The House of Commons requires every party seeking a Railway Bill to approach their tribunal, the most expensive known; and therefore I think, it being most expensive, the House of Commons is bound in fairness to its suitors, and for the protection of the public, to render that tribunal the most efficient that the forms and composition of the House will allow; I do not know that I can better inform the Committee of my views, than by first of all stating what I believe to be the fair objections to the present system; then venturing to propose certain alterations and amendments which, I think, may to a certain extent be remedies to the existing complaints; and then, thirdly, making a few general observations on the propositions which I shall have submitted. The first great objection to the existing tribunal of the House of Commons by the suitors is the very great expense. That expense arises principally from three sources: the first of which is the shortness of the Parliamentary Session as regards railway work; it practically, in its opposed form, being all condensed between the first of March and about the middle of June. That necessitates the sitting of many Committees at the same time, and the consequent retaining of numerous counsel in each case, so as not to leave the case unprotected. The next objection is the shortness of the time during which the Committees sit. The practice of the Committees of this House on Railway Legislation is to sit nominally for four hours, but really and practically for not more than three hours and a-half. The third objection, as regards expense, is the large fees which are paid to counsel. Now I think, on the question of fees, that the large fees might be touched, incidentally. I do not wish to express an opinion whether it is absolutely possible for this Committee to deal with the fees of counsel, but I think that they may be incidentally touched. As regards the present not being the best tribunal which the House can afford, the first objection is the want of uniformity in the decisions of Committees. Now Committees are presided over by a panel of chairmen, varying in number from seven to nine, and it has not been the custom for that panel to meet for the purpose of consultation within itself. The consequence is, that no great principles of decision having been laid down on conference amongst the chairmen, you often find great want of uniformity in the decisions of Committees. The only attempt that was ever made, within my knowledge, to secure anything like a habit of conference amongst chairmen took place in the Session of 1861, when certain points were raised and discussed before the panel of chairmen, and the result of that discussion was the passing of a certain number of Resolutions, which may now be considered to be the only principles (if they are to be considered principles) which guide the decision of the chairmen. The next objection to the tribunal is the great length of the counsel's speeches, and the great length to which the evidence is frequently protracted. Now the great length of counsel's speeches arises from their not feeling that they are quite sure as to what principles may regulate the decision of a Committee on any point. That also leads to the frequent raising

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of points on matters of evidence and on matters of law, the counsel hoping that in the diversity of opinions, and the necessity of the chairman consulting his colleagues before he arrives at any decision, he may obtain a decision in his favour. A point is very often raised, and a long discussion, somewhat miscellaneous, not strictly in legal form, takes place; the chairman has to consult his colleagues; he finds his colleagues differing, or one or two of his colleagues differing from him; the room is cleared; a long discussion ensues in the committee-room between the Committee; and then perhaps the Committee eventually determine to leave the ruling of the point to the chairman himself, when a considerable time has been consumed in the discussion of the point with closed doors. Then also there is the great interest according to the present system which solicitors, Parliamentary agents, witnesses, and engineers have in protracting the length of the inquiry. They are paid by the day large fees which constantly go on, and they consume a great length of time with a good deal of evidence which a chairman, unless he is very decided, and I am afraid almost peremptory, sometimes finds difficulty in curtailing. Those observations occur to me as regards the suitors; but I would draw attention to the position which the public occupy in these railway inquiries; and I would venture to say that it is of the utmost importance to the credit of this House and its Committees, that the public should think that their interests are well protected in the hearing of these cases. There are great questions, in which the public are most largely interested, heard before these Committees. There is the question of amalgamation. I confess that there are few questions to me more important than the question of an amalgamation. By an amalgamation Parliament is asked to hand over a large district of country for ever to the jurisdiction of one particular company; the whole of the personal arrangements of a district, and the whole business arrangements of a district, are placed at the disposal of a company, if a Bill is passed. Now, how is this Bill opposed? It is usually opposed by two or three great railway companies; some from contiguity, some from general policy, but all perfectly willing to withdraw that opposition if they get some particular point which they are seeking to obtain. The opposition of railway companies goes upon their own interest, not upon the interests of the public; and therefore it appears to me that the public have no one to protect them in these questions except the Committees of the House before whom the Bill is heard. There is a great case of amalgamation going on this Session; it is opposed by several great companies. No doubt, if arrangements are not made with these great companies, either their opposition will be continued and will succeed, or the opposition will be carried to another place. The Bill may be opposed by a few local traders, men of affluence, and men they have something for which they consider it worth fighting, but there is no one to oppose it on behalf of the public at large. Therefore, when these oppositions are withdrawn, unless there is great knowledge of all the circumstances in the breasts of the Committee who hear the question, the public interests will no doubt be as efficiently protected as the tribunal will enable them to be, but will necessarily, in my opinion, not be protected to the degree which Parliament should require. The knowledge how an amalgamation will influence a district must be the result of great acquaintance with the territorial arrangements of companies, their financial position, and their direct policy; and it is a class of cases which requires watching, as it seems to me, with the very greatest attention.

1087. Mr. *Walpole*.] You think it of great importance that the public should be represented on those occasions; how can you get the public represented?—I think that the public would be represented by the knowledge which experienced chairmen would have of all the existing arrangements regarding the companies *inter se*, and also regarding the territories over which the amalgamation would operate.

1088. Then the protection of the public, in your opinion, would chiefly be secured by the experience and knowledge of the chairmen?—To a certain extent. Then as regards the construction of new works, that appears to me to be a very great question, and a question in which the public are interested for their own particular safety, and I think that a Committee, in all cases where new lines are sought for, should be very careful in their examination of the deposited plans, and in their examination of the engineer at great length (I say at great length, from the eventual operation which the line may have on the safety of those who are compelled to use it), and therefore that a Committee

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should well satisfy themselves as to the engineering advantages, and the engineering generally of the party seeking to construct the line. Then again, as regards the finance of a company, I think that the finance of a company ought to be very closely examined. That the financial position of a company should be a particular subject of attention, on the part of Railway Committees, was evidenced in the Standing Order of the House, which formerly required every Committee to be satisfied of the sufficiency of the subscription contracts, which was the outward and visible shape in which a company came, as regarded its finances, under the cognizance of the Committee. Now, in practice, I think that my colleagues will say that the mere fact of the existing deposit is not a sufficient protection for the public that the undertaking will be carried out well and efficiently, and if it is insolvent in its inception, it is a great question for the Committee whether it should be allowed to proceed any further. Those are the chief objections, shortly stated, which I believe are entertained to the existing tribunal; and I would now venture to suggest what appears to me, if Parliament and the House of Commons decide to retain within themselves the consideration of these questions with any of the existing machinery, not inappropriate to carry out the intention. I would propose that the House should consent to the appointment of paid chairmen, although I am aware that objections are entertained, on constitutional grounds, to the appointment of Members of the House as salaried officers of the House. Now, it seems to me, that the consideration of these heavy railway cases is no proper part of the duty of a Member of Parliament. It appears to me to be the duty of a Member of Parliament to attend to the business of his constituents, to pronounce through himself their voice upon public questions, and also, if it is the wish of the House that he should do so, to assist in increasing the efficiency of the House by giving his attendance upon Select Committees on social and imperial questions. But if he is called upon to undertake work of, it may be, a very heavy nature, it does appear to me that it forms an exceptional case, and that it might be worth the attention of the House to consider whether they could not improve the tribunal, by first of all appointing paid Chairmen of Committees. I should propose that three Members (for I think that under the plan which I venture to submit to the Committee, three Members would be sufficient to do the work) should be appointed by the Speaker as paid Chairmen of Committees at the commencement of each Session; that no Member should be qualified to be a candidate for a paid chairmanship who had not been six years continuously a Member of this House; that the Chairmen so selected should sit continuously from the beginning to the end of the Session; and that any cases which they might be unable, from lapse of time, to hear in the previous Session, should remain over as remanets until the ensuing Session, without the payment of any fresh House fees, unless the Bill was altered by the introduction of new matter during the recess. I should propose that these salaried Chairmen should be the sole judges of *locus standi*, of the reception of evidence, of points of practice, and of the general conduct of the case; that when they were not sitting with associated Members, the three Chairmen should sit as a court, and that to them as a court should be referred all questions of amalgamation; that the House should refer to them any particular class of questions which they might think it desirable that they should hear, such, for instance, as have occurred this Session in the cases of termini within the City, and within a certain distance of the metropolis, and also any cases which the parties appearing before Parliament should be willing to have heard by them; that it should be in the power of suitors to claim to have their cases heard by the Chairmen, if they all agreed to do so.

1089. Mr. *R. Hodgson.*] You are speaking of the period within the Session?—Yes, all my observations apply to the period within the Session. As regarded the colleagues of the paid Chairmen, I should propose that two Members should be selected by the Committee of Selection, and added to each of the Chairmen when they were sitting individually, and that these associated Members should be judges of facts. Now, it may be said that you take from the consideration of these gentlemen a great many questions on which they have now the power of expressing an opinion. I must say that it has generally seemed to me that the questions of evidence, and the contents of petitions, and the questions of practice, are given up eventually to the decision of the Chairman; therefore, you would only relieve them from that from which they now willingly in most cases relieve

relieve themselves. Then I should propose that Committees should sit for five hours, and that there should be power for a Committee to go on sitting, in order to hear a counsel conclude a speech without being obliged to ask the permission of the House to do so; for the Committee will observe that it is only to hear a statement that they sit, and not to give any decision. Then I should also propose, for the convenience of associated Members, and to obviate the difficulty which now exists in arranging Committees, that the groups should be very much smaller, and that as far as possible no associated Members should be called upon to sit more than 10 days.

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1090. Mr. *Walpole.*] That is, of course, assuming that the particular case before them is terminated?—Certainly. I should also propose that the Committee, when unanimous, should have the power of awarding costs; but I think that there ought to be unanimity in the Committee before that power is exercised; and it is in the power of awarding costs that the fees to counsel might be incidentally touched, because it would be within the power of the House to say what amount should be allowed to council for their fees in taxed costs. There is one other point which I would mention; namely, that in the case of the preamble of a Bill I would give the Chairman a second vote, so that, in fact, he should have the power of stopping the preamble of a Bill if he had an insuperable objection to the scheme; for I think that that is not too great a power to award to men upon whom the House might be inclined to put so much responsibility. Some such scheme as that which I have now proposed would, I think, have the effect of, in the first place, producing greater uniformity of decision, because the Chairmen then would confer together, and establish and settle the practice upon a great many points; and I think that there would be this additional advantage, that the House of Lords, and those who were particularly interested in the railway business of the House of Lords, would be willing to confer, for the joint settling of the practice of both Houses, with a small body of men rather than with the large panel which already exists. The existing panel have undoubtedly in one Session had conferences with Lord Redesdale, but when those conferences were advancing to anything like a practical decision the representatives of the Chairmen of this House who attended the Lords were very few in number in proportion to the number who were on the panel. I think that my scheme would also obviate the difficulties arising from the shortness of the Parliamentary session, because the Chairmen would sit from the beginning of the session to the end of it, and there would be that advantage which does not exist at the present time. There would also be more power of freeing companies from the immense number of counsel whom they are now obliged to retain, for under no circumstances would you have more than three courts going on at the same time, and for possibly a certain portion, if not a large portion, of the Session you would have only one court. I think that if the House intends to retain the jurisdiction, with the present machinery, within itself, those are some of the arrangements which, perhaps, might be found to work beneficially. If they were found to work beneficially, one immediate result would be, I should hope, a possible and a positive diminution of expense, and that would be satisfactory to the suitors. If the tribunal was found to be more uniform in its decision, and if all speculative schemes were instantly to be tested and punished by the payment of costs, that would be satisfactory to those who approached Parliament with a *bonâ fide* object; and if the general conduct of the business raised the tribunal (which, I am happy to say, I have every reason to think has been considerably improving of late years) in public estimation, it would, I think, lead the public at large to consider that their interests were considered and protected; because, after all, I would submit to the Committee that the public have no protection against the action of these large companies except the vigilance of a Committee, when the companies are before them, seeking for their assent to any legislation which may influence their undertakings. I have taken great interest in this branch of business, and I should be happy to see the tribunal maintaining a high character; for I think that where Parliament says to any body of individuals, "If you want something you must come to us, and you must incur a considerable expense," Parliament may justly be called upon to furnish to those whom it compels to approach it the very best tribunal that it can afford for the consideration of their application.

1091. Colonel *Wilson Patten.*] In your experience as a Chairman of Railway

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Committees, have you found any great disinclination on the part of Members of the House of Commons to sit for the long periods for which they are called upon to sit for the investigation of railway schemes?—I sat 56 days last Session, five hours a day, with the same four Members for the first 38 days, and 18 days with two Members who were substituted for two of the gentlemen who sat the first 38 days.

1092. What were the reasons for those two gentlemen being relieved from your Committee?—They complained that they had been present at a very long investigation; that it really was not work to which they were to apply themselves with such severity and constant attention, and that they thought that the hardness of the work was increased by their having to sit so many hours; but, at the same time, they perhaps, on the whole, were inclined to think that the inquiry would have been still longer if the period of sitting had been curtailed.

1093. When those Members were relieved from sitting on your Committee, were you led to believe that the investigation was rendered less perfect; that it would have been better if the whole investigation had remained under the supervision of the same Members from first to last?—I think that the group was so constituted that it was unnecessary to have had the same four associated Members to hear the business which occupied the last 18 days who heard the cases which occupied the first 38.

1094. With regard to the last 18 days, I see that one of your recommendations is that no Member should be called upon to sit more than 10 days; would not it deteriorate the investigation very much if two Members were taken away in the middle of an investigation?—The case to which I refer of last Session was of a most peculiar nature; it was of a nature which satisfied the Committee that they must hear seven Bills at once, without deciding on the preamble of any; those seven Bills constituting a great scheme, the whole bearing of which must be considered, rather than the particular objects of which it was made up, as shown in each of the seven Bills.

1095. That being the case, would it not have been a great misfortune if two of the Members had been relieved from their sittings in the middle of that investigation, and before the Committee had come to a final decision?—Undoubtedly, in that particular case, but that is a case which I have never seen approached in any of the other cases with which I have had the honour of being connected.

1096. In that particular case is it not a fact that you did apply to the Chairman of the Committee of Seleetion to prevent two Members being relieved from their sittings, because it would break up the investigation?—I have no doubt that if the Honourable and gallant Member says so, I did it, but I have no recollection of having done so.

1097. Have you had communications with the different Chairmen with regard to the duration of the sittings?—I have.

1098. Have you found any difference of opinion with regard to the time for which Committees should sit?—Some Chairmen think that the gain consequent on sitting for five hours is not tantamount to the inconvenience caused to themselves, and to the other Members of the Committee.

1099. What is your own opinion?—My own opinion is most decidedly that five hours is not too long for a Committee to sit with attention, and that the suitors to this tribunal have a right to expect that they should do so.

1100. Is it your opinion that when the sittings are confined to four hours, three hours and a half, as has been stated by a previous witness, is a fair average of the time devoted to the business?—Three hours and a half is a fair average.

1101. You think that the average is as much as that?—I do; I think that three hours and a half is a very fair measure, by time, of the work done in nominally a sitting of three hours and three-quarters, because no Member can be called upon to remain in the room one moment after the Speaker has been declared to be at prayers.

1102. Do you think that one quarter of an hour is a fair average of the time which is wasted in a Committee; first of all in the assembling of the Committee, and then in discussing adjournments?—I think that it is a fair average of the time which is consumed in the assembling of the Committee, and in the formation of a quorum; but the time which is consumed in the discussion of points, the

the decision of which is eventually left to the Chairman, I cannot pretend to measure.

1103. You have stated that you would have three paid Chairmen; you do not recommend, of course, that the other Members of the Committee should be paid?—I do not.

1104. They would be appointed as at present?—They would be appointed as at present, with what I believe would be a more satisfactory arrangement to them, namely, that they would sit for a shorter time, and they would still remain, it seems to me, what they are in effect now, that is to say, judges of fact, and be relieved from having to pronounce an opinion on questions as to evidence, or *locus standi*, or the general conduct of the business of the case.

1105. You were a Chairman of Committees before the present system was commenced; before the number of the Chairmen's panel was restricted to five or seven Members in each Session?—I was.

1106. Have you seen any amendment in the practice of Committees in consequence of the reduction of the number of Chairmen?—I certainly think that the business of Committees is more efficiently conducted under the present system than under any of the previous systems of which I have been cognisant.

1107. You think that one of the merits of your recommendation will be that there will be still greater uniformity by a reduction of the number of Chairmen?—I do.

1108. And that expense will be thereby saved?—Yes.

1109. Do you find at the present time, with the limited number of Chairmen which there now are, that much time is spent in discussing the question of *locus standi*?—On certain occasions, where an opponent is a formidable one, the question of *locus standi* is warmly discussed, and frequently leads to very long discussions before the Committee.

1110. Have the decisions of the Committees latterly been various with regard to the admission of parties upon *locus standi*?—Not so various as they were, because I think that the question of *locus standi* is not now so often raised.

1111. Have you found any difficulty, as a Chairman of Committees, in restricting the mode of investigation by parties appearing before you?—I may venture to say that I think that, generally speaking, I can hardly feel dissatisfied with the evidence which has been admitted, or the evidence which has been rejected, in Committees with which I have had the honour of being connected.

1112. Have you seen any inclination manifested by parties to prolong the inquiry unnecessarily?—I have seen great inclination in parties to do so, but I have also received a very great support from the associated Members in preventing their carrying out that intention. At the same time I think that there is sometimes a little impatience in hearing evidence which the merits of the case require, and I think that it is desirable for the credit of Parliament that all who approach the Committees should feel assured that they have had a full and fair hearing.

1113. *Chairman.*] You would vest in the Chairmen the power of deciding upon the question of *locus standi*?—Certainly.

1114. The question of expense and the question of delay are very much dependent upon that question of *locus standi*, because, if the parties who claim to be heard are in some cases prevented from being heard, their opposition is got rid of?—Where an opposition disappears, of course the time consumed in the hearing of the case is *pro tanto*, as regards that opponent, diminished.

1115. Would there, by a conference of the three Chairmen, be a rule laid down as regards *locus standi*?—I think that there would. I think that you would have such a common practice laid down as would lead to parties not seeking to obtain a *locus standi* to the same extent as has been hitherto done. I think that peculiar cases might occur where a novel form of *locus standi* might arise, but that there would be such a general understanding amongst those engaged in the preparation of contests in this House, that it would very much diminish the number of cases in which the question of *locus standi* would be raised.

1116. In your experience, in what form have railway companies opposed the schemes of other railway companies before the Committees of the House?—One of the most usual forms is the question of competition.

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1117. I will just explain that I mean my question to relate of course to the opposition of railway companies to the schemes of other railway companies, when those schemes are not touching the land of the opposing railway company. When one railway company's works touch another railway company's works, of course there is clearly a point which must be considered; but in what way do the railway companies appear before Committees, when they oppose the schemes of other railway companies which do not interfere with their own works?—They usually come before Committees on the ground of competition. That competition may arise in many ways, and that is a most comprehensive means for the introduction of one railway company to oppose the Bill of another.

1118. A Select Committee may under the present Standing Orders of the House, if it thinks fit, refuse to give the opposing railway company a *locus standi* on the ground of competition, may it not?—It may decline to admit them as opponents, on the ground of competition.

1119. Have Committees ever done so in your experience?—In my experience they have not; I think that the general tendency of all investigations is to let the subject be thoroughly examined, to let all those who have a fair ground of opposing a scheme be heard in opposition to it.

1120. A railway company opposing the scheme of another company does so on the ground that the new scheme will withdraw a part of the traffic which travels over the existing line?—That may be one of the many allegations of their petition.

1121. Supposing that they wished to oppose before the Committee on that ground, and to argue that question, and to prove to the Committee that a certain amount of traffic which travelled over their line would be withdrawn from them if a new line were made, would the Committee hear evidence upon that point?—That would depend on the opinion of the Committee.

1122. Has it been the practice in your experience to allow evidence to be taken on that point?—I think that the general practice of Committees is to permit the existing railway company to show that their undertaking would be damnified by sanctioning the scheme for which the application is before the Committee.

1123. If they have been allowed to do so directly, why do the railway companies subsidise landowners to fight their battle indirectly?—They may think that they have not such a *locus standi* as will be satisfactory to the Committee, and consequently they throw all their weight into the support of the case of some individual who has an indisputable right to appear.

1124. They think, in fact, that if they come broadly and plainly, and say, "We object to this line because it will withdraw some of our traffic," the Committee will not listen to that sort of objection; and therefore they fight that battle indirectly behind the back of a landowner; is not that so?—They avail themselves of an indisputable means of attacking the scheme as afforded by the lodging of a landowner's petition.

1125. But, in fact, evidence is taken indirectly, which the Committee would not allow to be taken directly; a point is raised which the Committee do not intend should be raised, but it is raised indirectly by subsidising a landowner?—I do not think that the same care would be taken to inquire who was paying the expenses of an individual petitioner as was the case in the earlier period of railway legislation.

1126. Supposing that that question at least were withdrawn from the field of inquiry; namely, opposition upon the ground that a new scheme would affect the pecuniary interests of an existing company; would it tend to lessen the length of these investigations?—It would exclude some opponents, and in many cases the most formidable opponents to the Bill.

1127. Are not the most prolonged and expensive oppositions those which are supported by existing companies who do not wish to be competed with by new companies?—I should say that they were.

1128. Then if you had that point removed from your inquiry, namely, the mere question of one company affecting the pecuniary interests of another, you would simplify and shorten these investigations?—You would remove one of the most formidable grounds of opposition.

1129. In so doing, do you think that you would prejudice the public interests?—I think that all inquiries, regarding either the construction of railways or any

any further powers to be granted to railway companies as existing companies, should be subject to a very full investigation.

1130. Mr. *Walpole.*] Do you think that it would be reasonable that a company which was vitally affected in its interests should not have the power of appearing and opposing another company?—I think that a company which is in any way damaged by a proposal before a Committee should have the fullest and fairest opportunity of making its case known to the Committee, and taking the decision of the Committee upon the facts which it submits.

1131. Do you see any more reason why a company should not have that power than any other person whose interests are injuriously affected?—Certainly not.

1132. Then you would not agree in Mr. Booth's scheme, that the question of competition should be entirely excluded from the tribunal which has to determine the question of adopting or rejecting a measure?—I think not. Where a great number of persons have invested large sums of money in a scheme which Parliament has sanctioned, Parliament is bound to be satisfied that any subsequent scheme which it may sanction has such great merits as to more than exceed any possible injury which persons acting on the faith of its previous legislation may perhaps sustain.

1133. Colonel *Wilson Patten.*] Parliament sanctions every railway, partly in consideration of the traffic which will go along it?—Parliament considers, in the passing of every new railway, the sources of traffic which are likely to arise upon the railway when so constructed.

1134. The amount of traffic is one of the reasons which induce Parliament to grant a Bill?—I think that the amount of traffic is one of the reasons; but experience has shown that traffic has grown up under such unfavourable circumstances, and has increased in such an unlooked-for degree in some cases, that though it is always a consideration, I think it is not perhaps now so great a consideration as it was in the earlier stages of railway legislation.

1135. But I understand you to assign it as a reason why every railway company which is affected by another should have the power of appearing in opposition?—That is my opinion.

1136. *Chairman.*] Whether the proposed scheme asks for running powers, or interferes with the existing company's land or not; even if the proposed scheme affected, however remotely or indirectly, an existing railway, you would allow the existing railway company to oppose it?—I would allow the existing railway company to be heard against a scheme which that company considered injurious to it, as regarded one of its sources of income and permanent prosperity.

1137. Mr. *Whalley.*] Do you think that Parliament is more called upon to listen to an objection on that ground by an existing railway company, than it was called upon when the first railway was created to listen to the objection which might be raised by the trustees of an existing road; because, of course, that railway, when it was made, withdrew traffic from a road, but that ground of objection by the road trustees would never have been listened to. Parliament would say, "This is a public necessity, and ought to be granted." Why therefore should an existing railway company be permitted to say, "Though the public may want another railway in this direction, they are not to have it, because it may take off some of our traffic;" what is the difference of the case as between the old turnpike road and the present railway, and the present railway and another railway?—I do not quite understand your question.

1138. We will say that when the London and North Western Railway was made to Birmingham it broke up the traffic upon the roads, and of course the trustees of those roads might have come and said, "You are depriving us of the traffic to which we are entitled, in order to pay our debts"?—Yes.

1139. Whatever weight was attached to that objection, is there any reason why more weight should be attached to the objection of the London and North Western Railway Company to another project which may now be laid out for a railway between Birmingham and London?—But the subtraction of traffic only forms one of the grounds upon which a railway company may appear to oppose the scheme of another line.

1140. When the Chairman asked you about railway companies making use of landowners, I understood it to mean, not that the railway companies were debarred from being heard upon the point of competition, so much as that

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they were in the habit of raising up artificial objections on the part of landowners; for instance, going to a landowner and saying, "We want you to object, and to say I am an objecting landowner instead of saying I am an assenting landowner;" that is the way, I think, in which the railway companies use landowners, in order to create objections which would not otherwise exist, for the purpose of raising opposition; is that within your experience?—I do not at this moment recollect any particular case where it was attempted to be proved that a landowner had by the offered subsidy of a railway company, not otherwise qualified to appear against a proposed scheme, been converted from an assenting into a dissenting party.

1141. Mr. *Liddell.*] I understood you to say that you proposed that the three Chairmen should occasionally form a single tribunal for settling certain questions of railway management, and you alluded particularly to the great question of amalgamations?—I intended to say that they should sit as a tribunal to hear certain cases.

1142. Would not the effect of that necessarily be to suspend all legislation upon railway matters from the absence of the Chairmen during the time that such an examination was going on?—They would, probably, so arrange the business which they heard as a court as to consult the convenience of the associated Members who were added to them by the House. They would either sit quite at the end of the Session, when few Members were in town, or early in the Session, when few Members also might be present.

1143. Going back to the question of amalgamation, is it not the case that, in the present state of railway matters in this country, those questions are the largest and the most important, according to your own view; and, consequently, questions likely to involve a greater amount of time than any other class of questions which would be brought before the tribunal?—As regards the time which would be involved, the Honourable Member will recollect that the case would be heard by men who, from their long experience, were so well acquainted with many points affecting the question, that those points would, probably, not be raised at all, and that, therefore, the court would hear the same measure in a shorter time than any Committee would do.

Jovis, 26° die Martii, 1863.

MEMBERS PRESENT:

Mr. Adair.	Colonel Wilson Patten.
Mr. Milner Gibson.	Mr. Paull.
Mr. Liddell.	Mr. Puller.
Mr. Massey.	Lord Stanley.

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

Hugh Edward Adair, Esq., a Member of the Committee, further Examined:

H. E. Adair, Esq., M.P.

26 March 1863.

1144. *Chairman.*] YOU stated in your evidence that you thought that the financial position of a company should be a particular subject of attention by Railway Committees?—I think so.

1145. You think that an investigation more close than has hitherto been made into the financial affairs of a company should be made in order to see whether there is a prospect of their being able to carry out any proposed scheme efficiently?—I think so; particularly in the present state which the railway system has reached.

1146. How would you propose to examine into the financial position of a company?—I should propose that the Committee should take such means as they thought best for ascertaining the financial resources of the proposed company, and not be satisfied, as has hitherto been the practice, by general evidence and the knowledge that the deposit has been duly made, as the Standing Orders now require.

1147. Would you have an inquiry, in any way, into the solvency or the means of parties who had put their names to the subscription contracts?—I would require such an amount of evidence as should satisfy the Committee that it was a scheme got up really with the intention of, in the opinion of the Promoters, benefiting the public and answering some ascertained existing public requirement, rather than, as sometimes has been shown to be the case, for the purpose of simply being made something to be sold to one or more existing companies in whose neighbourhood, and in whose territory, the scheme may happen to be proposed.

1148. Do not you think that a deposit is as good a security as can be got that the scheme will be carried out, if that deposit is forfeited in case the scheme is not carried out?—I do not, because the sources from which a deposit is now obtained, and the readiness with which certain speculators furnish the necessary deposit, are really no evidence at all of the *bonâ fide* nature of the proposition. A large interest is paid for the money which is borrowed from persons who are willing to lend it, and in many cases there is also a premium paid in addition to the interest

1149. But if the deposit was large enough surely it would not answer persons' purposes to throw it away upon a public scheme?—You must increase the deposit far beyond the requirement of the present Standing Order.

1150. Do you think that it might be rendered a better security if it were increased in amount?—It would be a better security if it were increased in amount.

1151. The Bills proposing amalgamation, as I understood you, would not upon your plan be referred to a Chairman with associated Members, but a Committee composed exclusively of the three salaried Chairmen?—Of the three salaried Chairmen, sitting, as it were, as a Court.

1152. Do you consider that there is something special in the question of amalgamation which requires that treatment?—I consider that the results of an amalgamation, as regards the territory over which it extends, are so important to the public and to the traders, that it ought to be heard by a tribunal who have large experience of all the antecedent policy of the different companies seeking to be amalgamated, and the circumstances of the territory in which the amalgamation is to take place.

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1153. Lord *Stanley*.] Is it not rather a question of the extent of the line which is to be amalgamated. You do not intend to say that a very small amalgamation is in itself more important than the making of a very extensive new line?—The larger the amalgamation, of course the more important it is in its results; but I think that the question of the smallest amalgamation should be heard with the greatest attention, and as far as possible with the fullest knowledge of the antecedents of the companies, both financially and as to their general policy.

1154. Mr. *Massey*,] Has it ever occurred to you in your experience that the range of inquiry before a Railway Committee might be safely abridged; for instance, in the case of traffic, do you think it always necessary to enter at large into the question of traffic, and is it not rather *primâ facie* evidence of the existence of traffic, that a company comes forward and are willing to invest their money in the undertaking?—It is *primâ facie* evidence that there is something to be got out of a district where a company proposes to make a line in it.

1155. Lord *Stanley*.] May there not be such cases as this: will it not sometimes happen that a contractor, and a few persons acting with him, will get up a line which is not at all likely to pay, and which they are aware is not at all likely to pay, and that that line will be got up for the purpose of being offered for sale alternately to competing companies?—No doubt, and I am not aware that the deposit is any prevention to a scheme being so got up with such an ultimate purpose by the promoters,

1156. Therefore, in that case it becomes necessary for the public interest that the question of traffic should be, to some degree, considered?—Undoubtedly.

1157. Mr. *Massey*.] With regard to the question of *locus standi*, when a company comes forward and say, "We oppose this scheme because it will injure our interests," do you think that they are entitled to be heard upon that ground alone?—I would hear everybody who wishes to oppose a scheme, and who has, in the opinion of the Committee, a fair ground of doing so from any prospective injury which the sanctioning of that scheme might cause him; but I would beg the Committee to recollect that I accompany that with a power of giving costs if such an opposition is found, in the opinion of the Committee, to be frivolous and vexatious, and solely brought forward for the sake of running the promoters into great expenses. I think that if you enlarge the power of parties to appear against a scheme, you should also protect the promoters as far as you can by the power of giving them costs against vexatious opponents.

1158. Do you think that Parliament, in sanctioning a railway scheme, undertakes any implied engagements to protect that company from competition?—I think not; such has not been the policy of Parliament.

1159. These companies are not invited by Parliament to undertake these works; they came here as petitioners for Parliamentary sanction to expend the capital which they collect in an undertaking which they think will be profitable to themselves. Subsequently another company comes to Parliament and proposes to make a line in the same direction; is the former company, in your opinion, entitled to be heard against the succeeding company on the ground that the proposal, if carried into effect, will compete injuriously with the interests of the company, whose works have already been sanctioned by Parliament?—I think that they ought to be heard, because, when the sanction of Parliament was given to the former scheme, it had the immediate effect of causing people to invest their money in it, taking, of course, in the present state of railway legislation, the chance of any subsequent attack which might be made on the powers then so conferred on them.

1160. Then, you think that the condition of a railway company having received the sanction of Parliament is quite different from that of any other joint stock company, or any other company of adventurers, investing their money in a profitable undertaking?—I think that it is so at present, because it has been the result of Parliamentary legislation which has sanctioned a great many lines. Parliament has never interfered to say, "There shall be but one line in a district," nor has at all authoritatively, further than by the sanction of its Committee being given to the scheme, arranged the different parts of the kingdom into territories, and given them over to certain companies absolutely.

1161. Do you think that the interests of the public are adverse to competition

tion between two railway companies?—I think that competition between companies very much depends on the districts in which it may occur. Competition may be a very good thing, and a very fair thing, in some districts, and it may be very prejudicial in others.

1162. I am now directing your attention exclusively to the single question, whether it is, in your opinion, desirable that it should be competent to an existing company to oppose a new railway on the ground that that project will interfere with the dividends of the existing company?—I think that it should.

1163. I am not adverting to the other case of landowners in a district saying, "We have sufficient railway accommodation, and we do not want any more;" but you think that the simple question of competition raised by the proposal of a new company to traverse a line of country which is already partially in the occupation of an existing company is one which ought to be entertained?—Certainly.

1164. Mr. *Liddell.*] Your scheme proposes, I think, that if adopted, henceforth Committees on Railway Bills shall consist of three members instead of five?—It does.

1165. And that no associated members, as you term them, shall sit for a greater length of time than ten days?—That, of course, is with a qualification, as far as the nature of the inquiry will permit.

1166. Of course, you would propose that the work upon which they were engaged, whether one or two Bills, or whatever the number might be, should be completed before any change was made in the constitution of the Committee?—Surely.

1167. With regard to deposits: is not the theory of deposits at present, that in the event of a company not completing its works within the stipulated time, the deposits shall be forfeited?—Yes.

1168. Has any case come within your knowledge in which the deposit has been forfeited?—No.

1169. Has any case come within your knowledge where the works have not been completed within that stipulated time?—In some cases, renewal of time has been sought for the completion of works, and for the compulsory purchase of land.

1170. Then the check, which the deposit is supposed to be over the operations of the company, would appear to be ineffective for its purpose?—I think that it is.

1171. Colonel *Wilson Patten.*] You recollect when the system of subscription contract was in existence?—I do.

1172. Should you prefer to have that system re-established rather than to continue the present system of deposit?—I should far prefer a subscription contract to the present system of deposit, if Committees rejected Bills when they were not satisfied with the subscription contract; but when subscription contracts were in operation, I am not aware that there was any case where a Bill was absolutely rejected on the ground of the insufficiency of the subscription contract, though there were few points about a case which were, on some occasions, more unsatisfactory than the subscription contract.

1173. Your opinion appears to be that the present system of deposit is totally inoperative?—I think that it is practically inoperative.

1174. Lord *Stanley.*] In practice, is not the feeling of the Committee very much this, that if a line is a good line in itself and likely to pay, whether the subscription contract is good or not, there will be somebody who will take it up?—A good line will probably have a good subscription contract; for a good line will, in the subscription contract, contain the names of individuals of solvency and position, who show that evidence of being willing to carry out the scheme if it is sanctioned.

1175. Mr. *Puller.*] Does it not often happen that people refuse to subscribe as long as it is doubtful whether a Bill can be obtained, and yet, that the moment a Bill is obtained, they are perfectly willing to subscribe?—That, I am told, is particularly the case at the present time, because there has been so much that has been unsatisfactory in the financial position of proposed companies that people are unwilling to undertake the obligation of furnishing, before the scheme becomes something positive and tangible, the means of carrying it out.

1176. Must it not be so in the nature of things; is there not a large portion of the public who are unavoidably so ignorant about the details of railway schemes

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that they are very prudently and properly unwilling to risk their money until the scheme has been submitted to a Parliamentary Committee?—No doubt that must always be the case, but people are more likely to invest money; and it would be a fair argument before a Committee, that prudent people would invest money if they saw a strong subscription contract, which had been signed by solvent and respectable men.

1177. Respecting the forfeiture of the deposit, you told the Committee that you did not remember any case in which a deposit had been actually forfeited; are you able to speak of your own knowledge whether it is so or not, or is it merely that you do not know?—I have individually never known a case; I have known a case where the deposit was permitted to be withdrawn to enable a particular portion of a line to be completed, but that was withdrawn because the company was in difficulties, and the completion of that part of the line was a matter of Imperial consideration.

1178. By whom was that permission given?—That permission was given, as far as I recollect, in a Bill which was before a Committee of the House, and the views of the Government as to the necessity of the completion of that portion of the scheme were intimated to the Committee who sat upon the Bill.

1179. Therefore, to get back a deposit without fulfilling the conditions requires the sanction of Parliament?—It was so considered in that case.

1180. To obtain which, of course, involves a good deal of expense to the parties?—Not necessarily, if that is the sole object of the Bill; the inquiry would be short and the expenses, comparatively speaking, small.

1181. When you say small, 500 *l.* or 600 *l.*?—I cannot pretend to say what the precise sum might be; no expenses, in my opinion, regarding the proceedings in Railway Bills can be considered small.

1182. With respect to the *locus standi* of existing companies who anticipate that they will be injured by the permission to make a new line, is not it for the interest of the public that those rival companies should be heard against the line?—I think it is the interest of the public that the fullest inquiry should be made into every case, and that inquiry is likely to be more fully conducted if it is conducted under the agency of a hostile, and powerful, and rich opponent.

1183. Lord *Stanley*.] In practice, has it not always been found that wherever a Committee excluded a rival company from opposing a Bill, saying that the ground of competition was not special to that company, it tried to get its case heard in an indirect way through a landowner, or through some other opponent, and that no time was saved by the attempt to shorten the proceedings?—I cannot answer that question myself from my own experience; it may be so.

1184. Mr. *Puller*.] Is it not of importance to the public that the engineering merits of every new line should be thoroughly sifted by the Committee?—I think it most important.

1185. Is it likely that any private opponent, any landowner, for instance, should have the means of doing that; is not it a task which can only be thoroughly performed by a company with a staff of engineers at their command, who can go over the ground and examine all the plans upon the spot; is not that a matter, ordinarily speaking, quite beyond the power of private individuals?—Generally speaking, I should say that it was, for the expenses necessary to thoroughly investigate the engineering merits or demerits of a large scheme are so very enormous that any individual would hesitate to undertake them; and upon that point I would add, that I always hear with considerable regret, in the case of a new line, the opponents saying that they neither intend to question the engineering merits nor the estimates of the proposed scheme, for it puts a greater responsibility upon the Committee if they are determined, as far as they can by their own means, to be satisfied of the engineering merits of the scheme.

1186. In your evidence given at the last meeting of the Committee, I think you expressed an opinion that the Chairman of the Committee, consisting of himself and two other Members, should, if he had an insuperable objection to the Bill, have an absolute veto, although the other two members might be in favour of the scheme?—I think so.

1187. Do you think that it would be satisfactory to the other two members to sit and hear all the evidence with the knowledge that the veto existed in the Chairman; would it not reduce them to mere ciphers?—I, of course, cannot say what views Honourable Members might take, but I think that it is not likely

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that there would ever be such a strong conflict of opinion as would necessitate the Chairman using such a strong power.

1188. Would it not be simpler, if you give such a very strong power to the Chairman, to let him sit alone and have the whole responsibility upon his shoulders?—It would be a more simple operation undoubtedly. But one great object, in my opinion, in having associated Members is to keep up, as it were, a school for this class of inquiry. If a Chairman sat as an assessor, no one need necessarily attend Committees, or at all inform himself of the manner in which the Committee should be conducted.

1189. Mr. *Massey*.] Do you think gentlemen would be willing to go to school?—I confess that I cannot apprehend the difficulty. If a man wishes to attend to this kind of business, I can see no difficulty in his sitting as an associated Member under the proposed system. If he does not like the business well enough to take that means of informing himself of how it is conducted, and exercising his opinion on matters of fact, and also learning incidentally points of practice, it shows me that your Committees, where Members are forced to attend, cannot be as efficient as the House should wish them to be.

1190. Colonel *Wilson Patten*.] Are you aware that, at the present moment, one of the great objections on the part of the Members of the House of Commons to serving on Railway Committees is, that when they have served for a good part of the Session their decisions are liable to be upset by another Committee in a future Session?—I never heard that particular reason given, but I am not at all surprised to hear it.

1191. Supposing that that should be the case, would not the objection be still stronger if two Members were to sit on a Committee with the knowledge that their decisions were of no value?—The question would rather resolve itself into whether they had more confidence in the Chairman's experience and perception than they had in a Committee of the ensuing Session, who might upset their decision.

1192. But if they had confidence in their Chairman, would it not be better to leave it to them to exhibit that confidence than to impose the necessity upon them?—It might perhaps be more agreeable to their feelings to do so.

1193. Mr. *Liddell*.] Might we not anticipate that the prospect of ultimately obtaining the post of paid Chairman, would act as an attraction and an inducement to young and industrious men in the House of Commons to serve upon these Committees?—I should hope that it would.

1194. Mr. *Puller*.] There is a passage in your evidence in answer to a question put by Mr. Walpole, which I think requires explanation; his question is, "You think it of great importance that the public should be represented on those occasions, how can you get the public represented?" This is, as to the trial of Amalgamation Bills before the Court of Chairmen. Your answer is, "I think that the public would be represented by the knowledge which experienced Chairmen would have of all the existing arrangements regarding the Companies *inter se*, and also regarding the territories over which the amalgamation would operate." Is that meant to imply that the Court of Chairmen should act upon knowledge which they themselves had of those arrangements, and which had not been elicited as evidence before them in the course of the trial?—They would have evidence in favour of, or in opposition to, the scheme produced before them, and their knowledge would enable them to examine and to consider that evidence most advantageously, and their previous knowledge would enable them, if necessary, to insert clauses in the Bill for the protection, as they might consider it, of the public, which might not have been suggested by the promoters, or required by the opponents.

1195. The Committee are not to understand then that you would sanction Chairmen acting upon their previous knowledge, without giving all the parties a full opportunity of contradicting it?—Surely not.

1196. You have intimated an opinion that these three Chairmen, having, perhaps, more experience than they have now, would be able to get through the work which is now ordinarily done by seven or eight Committees in the course of the Session?—I have intimated that opinion.

1197. Have you gone into any calculation of the number of hours which are occupied at present?—No, I have not.

1198. You do not contemplate that they should sit more days than the Committees sit now, do you?—I contemplate, under the proposals which I have ventured to submit to the Committee, that all Committees should sit for five

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hours; but I think that the great saving of time would arise from the entire remodelling of the Bills, and the manner of conducting business which would be introduced when the agents knew that there were certain fixed rules of practice, and the counsel were also aware that the practice was more definitely regulated.

1199. With respect to the objection to evidence, speaking from your own experience, do you think that the number of hours lost in discussing objections to evidence has borne any considerable proportion to the whole amount of time occupied?—No.

1200. Do you think that questions of *locus standi* have done so?—They used to occupy much more time than they do at present.

1201. Take the last two Sessions?—In the last two Sessions there has not, I should say, been much discussion on the question of *locus standi*.

1202. Mr. *Massey*.] Is the discretion which is vested in the Committee by the Standing Order as to *locus standi* generally exercised in favour of the claim?—I think that the tendency of Committees is always to enlarge the number of the parties who are to be heard before them.

1203. Mr. *Paull*.] With reference to the failure of the deposit system, is it not now the fact that, after a certain period, the money deposited is returned, and that bonds are taken by the Treasury in double the amount of the deposit?—There is the power of relieving the deposit on the execution of a bond in double the amount, to the satisfaction of, I believe, the solicitor to the Treasury.

1204. Is it within your knowledge a fact, that money forfeitures have not taken place because the Treasury will not undertake the odious task of recovering upon those bonds?—I do not know that.

1205. Supposing that to be the case, namely, that it is a difficult and odious task for a public department to recover upon bonds under such circumstances, do you not think that if there was some depositary, those money forfeitures might be insisted on?—I think it exceedingly desirable that there should be some party whose business it should be to watch narrowly that the obligations of the deposit were fulfilled.

1206. At present the public department is reluctant to undertake the task of recovering upon the bond?—Surely.

1207. If the deposit was made under any circumstances where such reluctance might not exist, would not the deposit system then answer the purpose for which it was founded?—I think that the certain impounding of the deposit would act beneficially; but I think that the deposit is not large enough, as it is at present required.

1208. Mr. *Liddell*.] You have expressed a strong opinion to the Chairman that the financial position of the company ought to form a subject of investigation more than has yet been the case, do you not anticipate great opposition on the part of companies to such an investigation of their financial position?—I have no doubt that a speculative company would resist every attempt at such an investigation; but that would, I should think, render it more important.

1209. Are there no existing companies that present themselves to your mind who might object very strongly to having their financial position fathomed in open court?—I think that there are many existing companies who are proposing schemes which they would have hesitated to propound to Parliament if they had thought that their existing financial position would be closely scrutinized.

1210. And thereby you expect a check upon unfruitful schemes?—I should hope that it would have that effect.

1211. But do you think that, as a matter of fact, it would be possible by any mode which you could invent to induce a company to make a clean breast of its money matters in open court?—It would depend very much on the discretion of the Committee; but any company who felt that they had a reasonably respectable financial position would not hesitate to sanction such an inquiry; and if the Committee pressed the inquiry further, they might say that it would be for the Committee, with the knowledge of their antecedent financial position, and the manner in which they conducted their already authorised lines, to say whether, in their opinion, the credit of the company was such as justified them in proposing to Parliament schemes which would require large sums for their execution.

Lunæ, 13° *die Aprilis*, 1863.

MEMBERS PRESENT

Mr. Adair.	Mr. Lowe.
Mr. E. P. Bouverie.	Mr. Massey
Mr. Milner Gibson.	Mr. Paull.
Mr. R. Hodgson.	Mr. Puller.

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

James Booth, Esq., called in; and further Examined.

J. Booth, Esq.

13 April 1863.

1212. *Chairman.*] YOU are desirous of giving some evidence in explanation of a statement before made by you, which seems to have been misunderstood, as to the duties performed by the Counsel to The Speaker; and also in reference to the Reports of the Board of Trade?—Yes; I am desirous, with the leave of the Committee, of explaining a portion of my evidence given on the 16th of March, upon the subject of the Reports prepared by the Board of Trade, which I find has been understood in a sense not intended by me. It may be in the recollection of the Committee that some questions were on that day asked me as to the history and the object of those Reports, and I was particularly asked as to whether the Board of Trade were the proper body to make those Reports. In my answers to those questions, having stated what I conceived to be the object of the Board of Trade in preparing their Reports, I said that as those Reports contained in them nothing, or almost nothing, that was not founded upon information contained in the Bills themselves, or in the records of the previous railway legislation, and of the practice of Committees, I thought that they might quite as appropriately be prepared by an officer of the House as by the Board of Trade, the officer of the House having the additional advantage of direct communication, where necessary, with the Chairmen of Committees on Railway Bills. It has been represented to me that the effect of this part of my evidence, particularly the answers to Questions 272 to 276, 282 and 283, and 293 to 297, was to ignore altogether the duties performed by Mr. Rickards in regard to Railway Bills, and to assume that all, or nearly all, the aid now rendered to Committees is derived from the Board of Trade Reports. I regret that in answering the questions put to me, which took me quite by surprise, having confined my attention exclusively to the Board of Trade Reports, the function of which is something quite different in character from the duties discharged by Mr. Rickards, I expressed myself in a manner which I now find, on recurring to the evidence, is open to the misconstruction which has been put upon it. Nothing was further from my intention than to ignore the duties of Mr. Rickards, or to make any such assumption of the effect of the Board of Trade Reports as that which has been supposed; for though not exactly informed as to the particular duties discharged by Mr. Rickards, I was quite aware that he exercised a supervision over the Private Bills, and I always understood that he rendered most efficient and very valuable assistance to the Chairman of Ways and Means in the examination of the Private Bills. Mr. Rickards has now been good enough to furnish me with a statement of the practice pursued by him in respect to Private Bills, from which it appears that he sees the agents on all Private Bills (Turnpike Bills only excepted), goes through all the clauses, and points out not only the infractions of the Standing Orders, but also various errors, irregularities or omissions, which may be found in them, as well as any departure from the usages and principles which have been adopted in the practice of Private Bills. It will be seen from this statement that the objects which Mr. Rickards has in view are very much the same as those which I stated to be aimed at by the Board of

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Trade in the preparation of their Reports; and I can have no hesitation in saying that the kind of supervision exercised by Mr. Rickards admits of being made much more effectual in correcting the errors and irregularities of the Bills than the published reports of the Board of Trade can be, both because in his personal communication with the agents he can go, in much more detail, into the errors and irregularities of the Bills, and also because, being on the spot, he can see that those points on which the agents are not willing to yield to his suggestions are, through the agency of the Chairman of Ways and Means, brought under the notice of the Select Committee upon the Bill. The Reports of the Board of Trade are necessarily very imperfect, both on account of the limited space within which their remarks must, from a due regard to economy in printing, be confined, and also from the very limited time admitted for their preparation. The Railway Reports of the present Session will be upwards of 200 in number, and nearly the whole of them have to be prepared in the months of January, February and March, a time at which the ordinary business of the Secretary, and of the legal assistant, at no period of the year light, is much increased by other duties connected with public and private legislation.

1213. Mr. *Adair.*] There are several of the Reports of the Board of Trade on Railway Bills which have not yet been issued?—That is so.

1214. I have two cases on which I have yet had no report, and now it is the middle of April?—Not less than 200 have already been issued; whether circulated I am not able to say. Whether there is any adequate advantage in the publication and circulation of these Reports may perhaps admit of doubt; but supposing that it is thought expedient that they should be continued in their present form, I am, upon reflection, confirmed in the opinion which, on the spur of the moment, I expressed, that they might more usefully be prepared by an officer of the House of Commons than by the Board of Trade; for I think that it is beyond doubt that an accomplished lawyer, having the great advantage of constant and direct communication with the Chairman of Ways and Means, with the Members of the Select Committee upon Standing Orders, and with the Chairmen of the Select Committees on the Railway Bills, would be much better qualified to judge of the interpretation and application of the Standing Orders, and would be more familiar with the practice of Committees, and with the intended operation of any new usage or principle of legislation that may from time to time be adopted than any officer of the Board of Trade can be. If this subject should, in the course of the present inquiry, undergo further examination, it may perhaps be found expedient to dispense with the Special Reports of the Board of Trade, and to require from that department only a general Report, containing a classification of the Bills of the Session with reference to grouping purposes, together with an account of the length of the lines, and any other information specially within the reach of the Board of Trade which may be calculated to throw a light upon the Bills.

1215. Such a Report as is laid upon the Table by the President of the Board of Trade as soon as the business commences?—Exactly so.

1216. *Chairman.*] The special Reports would be made by an officer of the House, instead of by the Board of Trade?—Yes, if it be deemed important to have Reports of that kind. There seems to be a great difference of opinion whether they are productive of any useful effect or not.

James St. George Burke, Esq., Q.C., called in; and Examined.

J. St. G. Burke, Q.C.

1217. *Chairman.*] WE are engaged in an inquiry as to whether improvements can be made in the system of Private Bill Legislation, with a view to saving expense and time to promoters of private undertakings, without lessening the security to the public and to private interests; from your experience, can you offer us any suggestions upon those subjects?—In my opinion, there might be a consolidation into some Public Acts of many clauses which are now common to Railway Bills. I think that the Consolidation Acts, passed in 1845 and 1847, arose out of many Bills having been passed for a series of years, containing similar clauses. Since then many new clauses have been introduced into Bills passed every year, which clauses are now of almost universal adoption, and they

they might certainly form the subject of an amendment of the Consolidation Acts. That would effect a certain saving of expense (though not a great one) by the saving of some printing.

With reference to the general practice before Parliament, I think I may fairly assume, that apart from the question of expense and trouble to the Members engaged in it, the system has worked satisfactorily to the public, namely, that generally speaking, the decisions of Committees of both Houses of Parliament have given satisfaction. Of course, I cannot state that the defeated party is always satisfied with the decision which has been given; but, speaking generally, I think I may state that the system, as adopted of late years, of a Select Committee of five Members in both Houses of Parliament, has given general satisfaction to the public.

1218. Mr. *R. Hodgson.*] In a case where a decision has been given both ways, how can the public be satisfied?—That involves a re-hearing by way of appeal.

1219. You speak of the ultimate decision?—Yes; the cases in which Bills passed by the House of Commons are rejected by the House of Lords, are few; and although I could instance cases in which in my own judgment the decision of the House of Lords has been perhaps erroneous (and that is a matter simply of my own judgment), yet I could cite others, where I think that the decision has been proper. These decisions upon appeal, I therefore think, rather give satisfaction to the public than otherwise, and more satisfaction than the public would derive from the action of a joint Committee. That is my own impression. The double inquiry no doubt tends to increase expense, but if the majority of railway companies were asked whether they would prefer to abide by one decision, or whether they would like to take the chance of appeal, I think that the great bulk of them would prefer the appeal. If I am right in the opinion that the present course of proceeding gives satisfaction, the only question which occurs to me is, whether the expense attending the present inquiry could be at all limited, or whether the duration of the inquiry could be limited. I confess that I do not see my way very clearly to the attainment of either object, because it appears to me, that in order to give satisfaction to the public in cases of so much importance, and involving such large outlays as Railways, they never would be satisfied unless there was a full inquiry; *i. e.*, unless the case for the Bill and against the Bill was fully heard and investigated; and if fully heard and investigated, expense must of course attend the inquiry; and equally the time of the Members must be occupied in such an inquiry.

I have, however, considered whether the proceedings before the Committee might be in any manner improved, and the only scheme which has occurred to me has been that the promoters of the Bill, previously to the investigation before the Select Committee, should lodge a statement of their case in a tabulated form, giving a synopsis, as it were, of all the objects to be attained by their scheme, and the means by which they intend to carry it into effect. I think that that might save a little inquiry. A good deal of what would be comprised in a statement of that kind is now given orally before the Committee, and leads to cross-examination and the occupation of time. I think, further, that such a statement as that would have this advantage, that it would compel the promoters to place before the Committee, at an early period, every subject matter with which it would be necessary for the Committee to be acquainted. At present I think it may sometimes occur, that important agreements and matters of that kind are never actually brought before the cognizance of the Committee, and if it were required that the promoters should deposit at the time of lodging their Bill a statement of their case, and of every agreement which had been entered into bearing upon the case, I think that that information would be very useful for the Committee. To illustrate the point, two or three years ago I was engaged against a Bill which passed the House of Commons triumphantly, and which was going to pass the Committee of the House of Lords equally triumphantly, when in cross-examination of the solicitor for the Bill I elicited the fact, that an agreement had been come to of which the Commons had had no notice, and of which the Lords would never otherwise have had notice, to the effect that the line then submitted to Parliament was not the line intended to be made, but that by an understanding with an important landowner the line was to be deviated. The Committee at once stopped the Bill, and said, "This is a fraud, to a certain extent, upon Parliament; you are asking us to legislate upon a line with a plan and section,

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and notices of a particular line, when, in truth and in fact, you are under engagement not to make it." That I give as one instance. In the days when subscriptions were necessary, I believe it was not an unusual fact, at any rate I have known it elicited in cross-examination, that a gentleman whose name was down for a large sum of money, had in his pocket a guarantee that he should never be called upon to pay a halfpenny of it. These are matters which ought not to be concealed from the Committee. I think that the Committee who have to legislate, ought to be in possession of every fact bearing upon the case.

I have somewhat hastily drawn up the following suggestions:—If the Bill is for a new line of railway, a printed statement, in a form to be prescribed, should be lodged by the promoters at the time of depositing the printed Bill, giving the following details:—The length of the line; the gradients and curves; tunnels and viaducts; junctions with other railways; the estimate; the earthworks; the towns to be connected, and their population; the adjacent towns to be benefited, and their population; the nature of their trade and manufacture; the present means of communication and nearest railway; whether the line benefits a mineral district; if so, the nature and extent of minerals wrought; whether the line will compete with any other railway; what revenue is anticipated, and from what sources, specifying shortly the contemplated revenue from each source; whether the railway is to be worked independently; if not, how and under what arrangements; what are the means at the disposal of the projectors, and how is the capital to be obtained; by whom or under what arrangements has the deposit money been paid; whether any powers are sought over other railways; if by agreement, state the nature of it; state also whether any agreements, not referred to in the Bill, are in existence, having any relation to the project; ordnance map, with the line to be deposited. It appears to me that that would put the Committee in possession of all the main elements of the case.

1220. *Chairman.*] Would a counsel's speech be thereby saved, or would that statement have afterwards to be made by a counsel in his opening speech?—I think that that statement being on the Table of the House, the counsel using his own discretion, would hardly give details *viva voce* of that which was on a paper before the Committee.

1221. If the counsel's opening speech might be saved, or very much limited by such a statement as that, one sees the economy of time, but you must presume that all the Members of the Committee have read that statement?—Yes; I would propose that that statement should be in so short a form (it might certainly all be comprised in a sheet of paper) as to be easily capable of being read. That statement fixes exactly what are the objects and purposes of the Bill in every respect. And I propose by my further suggestion, that that document being lodged, the opponents of the Bill shall have a copy of it, and that they shall have an opportunity of depositing a counter-statement, contravening any allegation in it which they think fit.

1222. Something similar to the proceedings in Chancery?—Yes; in fact, they would be pleadings to a certain extent. Issue would be joined upon some points and not upon others; those matters which were not contested might, of course, be taken *pro confesso*, and then a mere signature to the statement or the examination of one witness, who would be asked, "Is that statement true?" would be sufficient. Of course the contested points would be those points raised by the petitioners. Now those probably would not contravene any exact facts in the statement, but they would raise the issue whether, supposing those facts to be true, there was any sufficient cause for making the railway; for instance, I suggest that the promoters shall state the towns to be connected; there can be no doubt about those; the population of those towns, there can be little doubt about that; the towns adjacent and their population, there can be very little doubt about that when you have the Ordnance map and the population returns. Then would come a point which would be contested, namely, the revenue. The promoters would say, We assume a certain revenue. The opponents would say, We dispute the revenue; the country will not produce it; and that is a very fair issue to try between the parties. Then I also require (which has never been done hitherto) that the parties shall state both the means at their disposal, and how they mean to obtain the capital. I am very far in that from desiring to impose any difficulties in the way of companies passing their

their Bills, even if they have not the capital ready at their disposal, because I know, and everybody must know, that since the main channels of communication have been occupied by the principal railway companies, as the minor channels do not present any great sources of profit, there is an immense difficulty in getting capital for making those railways, unless the lines are in some manner or other affiliated to the larger lines. And assuming the fact, that the great bulk of these branch railways (for they are mostly branch railways now) must be beneficial to the community, I should be very unwilling indeed to make a suggestion, which would impose any difficulties in the construction of those railways; but, at the same time, I think it is very desirable, that the Committee should know what are the proposed means of obtaining the capital; because admitting the fact that many of these railways are beneficial, there is no doubt of this fact also, that many railways of late years have been suggested, mainly at the instance of contractors and schemers, the real object and intention of those railways being to sell them to existing companies, or to get bargains with those companies which will enhance the value of their shares. Without specifying any further, I am sure that I address honourable Members who will know pretty well the truth of what I state. This scheme is adopted; a clever contractor with his engineer, and one or two other professionals will lay down a line of railway deeply injurious to one railway company, and to a certain extent beneficial to another. The line becomes almost at auction between the two; there is not a farthing of capital subscribed; but an Act of Parliament is nevertheless obtained, and then it works in this way: the shares are issued or nominally issued; the contractor has to take a large portion of those shares in payment; and those shares being at the time comparatively valueless, this contractor, who has got up the scheme for the railway, gets an enormous nominal price in payment for his works; then by and by this railway is made a matter of barter to one or other of the companies; the value of the shares rises in the market in proportion, and the contractor thereby makes a large profit. Now I think that those things are very hard indeed upon existing railway companies, and therefore I think that it would be a very beneficial thing, if the committees in the first instance had fully before them the information as to how the capital is to be obtained.

1223. Will you allow me to ask you a question, with regard to the inquiries; the one before a Committee of the Lords, and the other before a Committee of the Commons. In a case in which a Bill having passed the Commons, having been successful against an opposition, is afterwards opposed in the Lords; is it the fact that the proceedings in the Lords are shorter than those in the Commons?—Yes, generally very much shorter.

1224. Why are they very much shorter, if the same inquiry is to be gone through again in the Lords as took place in the Commons?—I think that the inquiry in the Commons very often has had the effect of deciding certain points connected with the subject matter, which the opponents do not think it necessary to contest afterwards in the House of Lords. I think that that is one reason why the inquiries in the Lords are shorter; but I also think, that the Committees of the House of Lords, dealing with the Bill as having been passed by the House of Commons in the first instance, have generally a leaning in favour of the Bill, and that they themselves constantly curtail the inquiry, by restricting the amount of the evidence, or by suggesting to the promoters, and the opponents of the Bill, that they have had sufficient evidence upon such and such points. There is no doubt that in the House of Lords these inquiries, which take place at a late period of the Session in a summer month, are got over much more quickly than those which take place in the Commons at an earlier period.

1225. And yet the parties do their duty?—They do so, no doubt, in many cases.

1226. And they manage to do it in much less time; does not that arise from the case coming to the Lords, as it were, in a better state of preparation; would not the same result arise, to some extent, from your printed statement having been previously circulated amongst the Members of the Committee of the House of Commons, from the fact that that Committee of the House of Commons before entering upon the enquiry would be better prepared, and that a great

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deal of that which is now proved by evidence would be taken for granted, and not be proved?—Yes, that is part of my object in suggesting this statement; but my further suggestion is that these statements and counter-statements should be laid before a Select Committee.

1227. Mr. *R. Hodgson.*] You state that you would require the promoters' statement to be lodged at the same time as the Bill was lodged?—I think so. I think that there is no reason why it should not be.

1228. At what period would you require the counter-statement of the opponents to be lodged?—Say within 28 days.

1229. Would you allow any further statement on the part of the promoters in answer to the counter-statement?—No, I think not. I further suggest that these statements should be laid before a Select Committee composed, we will say, of the Chairmen of Groups, or formed in such manner as the House of Commons should think fit; and I would make the suggestion that the Chairman of that Select Committee should be an officer appointed for the duration of Parliament, or for the duration of the Session, at a salary, the same as the Chairman of Ways and Means. It appears to me, that that Committee, or that Chairman, whether it were the Chairman of the Committee of Ways and Means, or any other gentleman (upon which I do not profess to give an opinion), might certainly fulfil the duties of the Chairman of Ways and Means, in regard to Private Bills. He would be specially assigned to the duty of supervising the private business of the House of Commons, in the same way as Lord Redesdale supervises the private business in the House of Lords; and that Select Committee might unquestionably exercise all the functions which are now exercised by Mr. Massey in passing unopposed Bills. There would then be this further advantage, that that Select Committee, being composed of the Chairmen of Groups, would have all these statements before them; they would, in reference to every Bill, have a general synopsis of what was proposed by each Bill, and of the means by which it was intended to be carried into effect; they would, therefore, come into the Committee on the Bill prepared beforehand with such a knowledge of the case as, I think, would be useful to them in the subsequent inquiry; and there would also be this advantage from the statement which I have suggested, that there would be no agreement kept from the knowledge of the Committee. I suggest that the original Committee should have the power of themselves determining what agreements should be made public and what should not be made public, because I think that there may be agreements with landowners in many cases, and agreements purely of a private nature, and not affecting the public, which it would not be desirable to have made public; and if, as I have suggested, the solicitor for the Bill had to sign a statement, in which he was called upon to state whether any agreement, not referred to in the Bill, was in existence, having any relation to the project; if he stated that there were any such agreements, he would claim before that Select Committee that such of them as were of a private nature should not be made public, and the Committee would then privately have an opportunity of ascertaining the nature of those agreements, and themselves determining upon the necessity of their being made public or not. I think that every agreement which at all affected the merits of the case should be made public before the Committee, and should be open to observation by the other side, as, for instance, such an agreement as I have referred to for varying the line; that is a very prominent case. I also think that every agreement with an existing Railway Company should be made public.

1230. Mr. *Adair.*] Would you say such an agreement as the sextuple agreement?—Yes; every agreement of that sort should be brought before the Committee; and the Committee, I think, should always have the means of knowing, in the first instance, whether there were any agreements in existence affecting the Bill in any manner.

1231. Mr. *R. Hodgson.*] With reference to the last question which has been put to you, do you understand the nature of the sextuple agreement?—Yes.

1232. In what way would it have any relation to an individual railway proposed to a Committee of the House of Commons?—It might or might not. For instance, it might affect the case in this way: Supposing a new railway were suggested, competing with a railway belonging to either of the companies parties to the sextuple agreement, it might be alleged on the part of the company promoting the new line, We promote it because the public are affected by

by that sextuple agreement. Here is a division between these companies of a certain maximum rate, and they are bound to a certain maximum rate. We, on the contrary, propose to carry the public at a cheaper rate, and we point out, therefore, that the sextuple agreement is prejudicial to the public. I think that what I have proposed is the main suggestion which I have to make with reference to the proceedings before the Committees.

1233. What is the original Select Committee to do?—That Select Committee would simply meet at an early period of the Session, having the whole of these statements in a tabulated form before them; they would then see exactly what was proposed by each Bill; they would have before them, I presume, the solicitor who had signed the statement, and they would ask him any questions which they might think necessary in reference to the agreements or other matters.

1234. What would they do then?—After that, the Chairmen would be assigned to the different groups, and those Chairmen would have become possessed of all the knowledge afforded by the statements; the opponents also would have a knowledge afforded by the statements of the promoters, which they could only otherwise arrive at by a process of cross-examination; and I think that in that way, the proceedings before the Committee would be, to a certain extent, curtailed, and certainly the Committee would be put in possession better than they are now, of all the information necessary to guide their judgment.

1235. You do not propose that the original Committee, with a paid Chairman at the head of it, should hear evidence, excepting from the solicitor and secretary of the company?—No, I do not think that one Committee could, by possibility, conduct the opposed business of the House, and therefore there must be separate Committees to take the opposed Bills; and I think that those Committees should be the Committees to take the evidence.

1236. Do you propose that the original Committee should make any report to the House for the guidance of the next Committee who sits upon the Bill, or by what act of theirs would the result of their labours be ascertained?—I do not think that they would exercise any labours at all. Each gentleman would simply make himself master of the facts necessary for his guidance in the Committee over which he was to preside.

1237. Then the Chairmen of the Committees would be inoculated with a certain amount of information for the benefit of the Committees over which they afterwards presided?—Yes. And further than that, I propose that all unopposed Bills should be absolutely decided by that Committee; there would be the statement with reference to the unopposed as well as the opposed Bills.

1238. These statements and counter-statements would go before the Committees which afterwards sat upon the opposed Bills?—No doubt, every one of them.

1239. Mr. *Adair*.] Would you require every point of the statement put in by the promoters to be subsequently proved in evidence?—I have said that if any of the allegations of the statement were contravened by the opponents, they would become the subject of inquiry before the Committee, but those which were not contravened, might be taken *pro confesso*, and it would be enough for the solicitor, or the party who had signed the statement, to be called before the Committee, and asked whether the statement upon all those unopposed matters was true.

1240. Then that would supersede the opening speech of counsel?—To a great extent, I think that it would. The opening speech of counsel would be rather directed to the general benefits of the undertaking, and also against the allegations of the petitioners; but the material facts to which I have pointed attention in the statement, of course he need not repeat to the Committee; it would so far curtail his speech.

1241. According to the present practice, he must prove every fact which he states in his opening speech?—No doubt; and calling the solicitor to say that that statement is correct would be sufficient proof.

1242. Mr. *R. Hodgson*.] Will you state why you prefer these pleadings, as you have called them, to be laid before a separate Committee in the first instance, rather than before the Committee which is to try the Bill?—I do it for this reason: In the first place I require the statement to be made at a very early period, because it is necessary that the counter-statement should also be made within

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a given time, so as not unduly to retard the sitting of the Committee upon the Bill. The statements would, therefore, all be ready by the time when the first Committee would be appointed, at an early part of the Session. Then I have suggested that the original Committee should have the power of determining as to the production or not of agreements before the Select Committee. I think that many agreements ought not to be produced, and I think that the original Committee should have the power of determining beforehand which of those agreements ought or ought not to be brought before the Committee on the Bill, and in my opinion that would be useful. But one main object which I have had, has been to afford the Chairmen of Groups information upon all the Bills on which they have to sit; and besides that, no doubt the proceedings of such a Committee would lead to something like uniformity of decision; they would discuss the several matters raised by these statements, and would form some general opinion as to the necessary course of proceeding; as for instance, with reference to finance, which is a most important point.

1243. Mr. *Paull.*] You have stated that you would call the solicitor. What would you ask the solicitor?—I would simply ask the solicitor whether the statement which he had lodged and signed, and for which he was responsible, was a true statement to the best of his knowledge and belief. As regarded any allegation in that statement, which was uncontested, of course it would be admitted to be true, and it would be known beforehand whether it was contested or not by reason of the counter-statement.

1244. If the solicitor, having been instructed to send in that statement, had placed his signature at the bottom of it, would not that be sufficient evidence that so far as he knew of the matter it was true?—Yes, so far as his knowledge went; but my own notion is, that all evidence not admitted to be true should be subject to cross-examination.

1245. When you had got the solicitor or the secretary of the company present, would you not inquire as to the nature of the agreements?—No doubt of it, unless any agreement was of so private a nature as not to render it desirable that it should be produced. A solicitor being put into the box will very often claim privilege; but I do not think that in a matter of legislative inquiry, under ordinary circumstances, privilege ought to extend to prevent the production of any necessary matter of evidence before the Committee. The solicitor having been called before the original Select Committee, might, if he got their approval not to produce an agreement before the Committee on the Bill, claim the decision of the original Committee in his favour, stating, It is a private agreement; it exists, but I have the permission of the Committee not to produce it.

1246. The original Committee would ascertain which were agreements that were to be made public and which were not?—I think so.

1247. Would you not go further and ascertain how far the agreements which were to be made public should be used?—Those produced in Committee on the Bill would be subjects for cross-examination and animadversion.

1248. Before the first or the second Committee?—The second Committee; the first Committee would inquire whether they involved points which should be made public.

1249. Then the inquiry of the first Committee would be limited to inquiring, first of all, whether the statement made was true to the best of the knowledge of the solicitor, and secondly, which of the agreements should be gone into?—Yes, I do not think that the first Committee could go further than that.

1250. Mr. *R. Hodgson.*] We have heard the reasons which induce you to propose that there should be a double inquiry; first, by the original Committee, and secondly, by the Committee on the Bill?—I will not call it a double inquiry, the first inquiry being so limited.

1251. Have you any other reason to allege why it is advisable to commit this preliminary inquiry to a separate Committee from that which is to consider the Bill in Committee?—I think that I have stated all the reasons which I have to offer for it.

1252. Mr. *Massey.*] At what stage would you require the promoters of the Bill to furnish the grounds upon which they sought the Bill?—At the same time, when they lodged the print of the Bill; there is no excuse for haste in these matters; these measures are of sufficient importance to require adequate time

time being bestowed upon them to get them up thoroughly, and I see no reason in the world why the promoters of a Bill should not be fully prepared at the time of deposit of the print of the Bill, with all the information which I require to be given in the statement.

1253. Is that statement to be printed and circulated with the Bill?—No, I would not go to that expense; I would lodge it in the Private Bill Office in print with a certain number of copies, and any person interested might go to the Private Bill Office, and for a shilling or two get a copy; but I would not go to the expense of circulating it among the Members.

1254. Every allegation made in that statement, if not controverted by the counter-statement, is to be taken *pro confesso*?—That is my view.

1255. Suppose that the opponnents traverse every allegation in the statement?—Then it must all be fought out.

1256. *Chairman.*] The parties must then be at the expense of producing evidence to show that the allegations are not correct on the points referred to?—Yes, as they do now.

1257. Take the case of a landowner: if he contested the general usefulness of the line, or whether it would pay or not, he would have to produce evidence to show that there was not the amount of traffic which was expected; would not that be a source of great expense to him?—No doubt, that is a necessity of the case.

1258. The probability is that he would confine himself, if he objected to the line, to his own special case, as to how it affected his property?—No, that very seldom occurs. I think that the best protection for a landowner, in nine cases out of ten, is to contest the expediency of the measure altogether.

1259. But would an individual landowner be at the cost of procuriug evidence of that expensive character which would be necessary to show that the proposed line would not pay?—In recent cases, landowners are generally subsidised. The real fact of the matter is, that there is now very seldom a *bonâ fide* opposition to a Bill by a landowner.

1260. You mean that a landowner would not himself be at the expense of opposing a line upon general grounds. I do not say that he would not. There might be many cases in which a rich landowner would do it where a person of more moderate means would not incur the expense. For instance, I have had a Bill thrown out this year exclusively upon a landowner's opposition; it was a very rich landowner, namely, Dulwich College. The Brighton Railway Company proposed a line through the Dulwich College estate, and upon the opposition of Dulwich College, the Bill, so far as it affected that property, was thrown out.

1261. Mr. *Adair.*] Were they the only opponents?—Yes, substantially.

1262. You rather assume the ground of the decision of the Committee, of which I presume you have no knowledge?—I think I may state that it is a matter of perfect notoriety. One or two minor landowners were opposing, but the main opposition was made by Dulwich College; there was nothing but landowners' opposition.

1263. It is possible that the Committee might have rejected the Bill upon the demerits of the case itself?—That is the very point. The landowners contended, there is no justification for taking our land, because the line, so far as it affects it, is not necessary; you may go in another direction, you may attain the same objects in another way. It was not merely on the ground of injury.

1264. *Chairman.*] If a line is not necessary between A. and B., taking it in another direction would not make it more necessary?—No; landowners may take two grounds of objection; they may either say, "no railway at all is necessary," or, "if it is necessary, it ought not to go in this direction." Those are the common modes of contesting a Bill; it is very seldom confined to the mere injury to a landowner's estate.

1265. Is it likely that a landowner would bring evidence upon the general question that no railway at all was necessary between A. and B., and that it ought not to be made?—If he did not, he would run the risk of having the Bill passed; in, I think, the Session before last we had a great contest for a railway from Tavistock to Launceston, and that question was raised in the House of

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Commons by a landowner, Mr. Tremaine, and fought for a considerable time.

1266. In your experience, have not you found that a great deal of statistical information has been proved by a long examination, which was not necessary, and which really nobody contested, and that a great deal of time has been unnecessarily occupied in proving the case for the preamble upon many grounds which were not contested?—That depends very much upon the Chairman of the Committee. If the ground is not contested the Chairman of the Committee would say, "We have had enough of this evidence;" but where it is contested, that would be a very difficult thing for the Chairman to do.

1267. If the counsel proves the preamble of the Bill by a long roundabout tale of the trade of the district justifying a line from A. to B., and so forth, does not that consume a great deal of unnecessary time?—I would not say unnecessary time; I think it is the very gist of the question.

1268. Would you not get rid of that by your system?—No, I do not think that I should at all; my system would simply go to this extent: the promoters would allege in their statement, "We propose to connect two towns, and the population of those towns is so-and-so, and the trade of those towns is so-and-so, and we think that it would be productive of a certain amount of traffic which would pay for making the railway." The opposing party might be either a landowner or a railway company; a landowner might fairly contest all those points; he might state, I deny the fact that there is the trade which you state there is, or if there is such a trade, that trade may be carried in another channel; the towns are only at such and such a distance from an existing railway, and there is no necessity for making another railway to carry the traffic. Those are the matters which constantly arise, and are the subject of inquiry before the Committee.

1269. In your experience have you found that before Committees of the House of Commons a great deal of time has been employed in proving things which nobody contested?—No, I cannot say that; no petition is presented against a Bill which does not question the preamble of the Bill. Now the statement of the preamble is, that it is, expedient on public grounds that a railway be made between A. and B.; then the promoters of the Bill, anxious of course for success, will endeavour, as far as they can, to impress the Committee with the importance of their case, not knowing, in point of fact, what evidence will be brought against them on the other side; they know that the expediency of the measure is contested on the other side; they know that the other side may bring a body of evidence to say the line is not necessary, and therefore it is a very natural anxiety on their part, to impress the Committee in the first instance by good evidence, with the importance of their project, and I think that that will always be done. I do not see how you can prevent it.

1270. Where will be the saving if you are to prove the same thing over again?—If at any moment the opponents state, "We do not contest this branch of evidence," (and that is very common,) it is at once abandoned by the promoters.

1271. Mr. *R. Hodgson.*] You think that your pleadings would limit that to some extent?—To some extent; I do not pretend for a moment that my suggestion will, to any great extent, abridge inquiry; but it will do so to some extent. I attach still more importance to placing before the Committee information which I think it is essential that they should possess in the first instance.

1272. Do you think that it would limit contests if Committees had the power to give costs in certain cases?—I have often thought of that question of costs, but I do not think that it would work at all; I am quite satisfied of this, that if Parliament ever invest Committees with the power of awarding costs, they will most assuredly increase their labours instead of diminishing them.

1273. In the case of repeated unsuccessful attempts to pass Bills, would not costs be a salutary check upon companies or upon individuals?—I think not; I think that under no circumstances, which I can think of at this moment, would costs be fair; I do not see why a company should not try the same case twenty times over, if they succeed at last, which they often do.

1274. Where an opponent has appeared in two Sessions, and in two Sessions thrown

thrown out substantially the same Bill, if he is obliged to appear again upon a repeated application by the same company for the same project, do you think that in that case it would not deter the company seeking to get their Bill if they were liable, at the discretion of the Committee, to have costs awarded against them?—I think it would be a great calamity if they were so deterred. Last year, before the honourable Member for Hertfordshire, I passed the Doncaster and Wakefield Line, which I think had been thrown out four times; but the country desired it.

1275. Mr. *Puller.*] The circumstances were altered?—I will admit that the circumstances were altered, that is to say, it was an extended line, but as between Doncaster and Wakefield the line was the same.

1276. It was fought between different parties; parties who were not bound by an agreement which the previous parties were?—The honourable Member is quite right.

1277. Mr. *R. Hodgson.*] I understand you to go this length, that under no circumstances would you invest a Committee with the power to award costs against either the promoters or opponents of a Bill?—No, I think that if you ever gave a Committee the power to award costs, you must give them the power to award costs as well against the petitioners as against the promoters. In my own opinion it would be an unwise power with which to invest Committees.

1278. Mr. *Paull.*] Do you not think that the object of giving the power to award costs is disposed of, by the fact that your rules, however stringent, would always be subject to evasion?—I do not know what particular rule the Honourable Member refers to there.

1279. Supposing you were to make any rule with reference to awarding costs, however stringent it might be, it being subject to evasion, it would become null?—I do not think that you could make a fixed rule with respect to costs; it would be a discretionary matter with Committees, and I think that it would be a dangerous discretion, I must confess; I should be very sorry to see it.

1280. What I mean to say is, that supposing costs were awarded against any party it would be no penalty, because that penalty would be evaded by the person upon whom it was intended to fall, and other parties in fact would have to pay it?—I think that if costs were awarded against a company promoting the same Bill, which had been rejected in a previous Session, they could hardly evade the penalty; it would be a heavy payment which they would have to make, but I am quite certain that you would have plenty of opponents rising up against Bills, if there were a hope of their getting their costs; indeed, I have not a doubt that it would increase the business of the House instead of diminishing it.

1281. Mr. *Puller.*] Do you think that there are many cases in which there are agreements concealed which would, in fact, be a fraud upon Parliament?—No, I should be very sorry to say that there are many which would operate as a fraud upon Parliament.

1282. Such as the one which you have mentioned?—That would, to a certain extent, so operate.

1283. You do not think that there are many cases of that description?—I do not; but similar cases to that are sometimes evaded in this manner: instead of coming, for instance, to an absolute agreement that the line promoted before Parliament shall not be made, an agreement is come to, to this effect, that if that line is made, a most exorbitant sum shall be paid for the land, which operates as a sort of penalty upon the making of the line. There was the celebrated case of Lord Petre, some years ago, where the company had to pay something like 100,000 *l.* for taking the line through his land.

1284. Do you think that there are many cases where the Committee would have to decide the question of producing or withholding agreements?—No. There are a vast number of agreements made with landowners and others which are wholly of a private nature, and what I would desire would be, that inasmuch as every agreement respecting the construction of a railway is a matter of which the Chairman of the Committee ought to have cognizance, there should not be a discretion left with the promoters of a Bill to withhold any agreement,

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or to produce such agreement as they thought fit. I think that a Committee should determine what agreements should be withheld, and what not.

1285. Where there is a real question of that sort to be decided, would it be possible for a Committee of Chairmen to decide it properly, without going at some length into the merits of the case?—I think that if it was a doubtful case, the Committee would, in all probability, nine times out of ten, require the agreement to be produced. I think they would only decide that an agreement should not be produced, where it was obviously merely a private agreement, as, for instance, to give a person a certain price for his land. A gentleman does not like to have it published what price he has sold his land for; and it is generally considered unfair to the promoters, because the next door neighbour is sure to require as much. Those cases, I think, would be excluded; but then, I think, that somebody ought to read those agreements; it ought not to be left to the discretion of the promoters.

1286. Mr. *R. Hodgson.*] Is there anything to prevent the Committee on a Bill now from calling for every agreement relating to the Bill to be produced before them?—Nothing whatever; but you must put somebody into the box to ask what agreements there are, and I have never known a Committee call the solicitor before them, and ask what agreements there are.

1287. Mr. *Puller.*] To get the agreements, you would depend upon the power of questioning the solicitor of the promoters?—Yes, at present.

1288. Supposing that the promoters wanted to enter into agreements which it was desirable for them to withhold from the knowledge of the Committee, and that they knew that their solicitor would have to appear as a witness, and to be questioned, would not it lead to employing some other solicitor for the purpose of preparing those secret agreements?—I do not think so badly of the promoters of Bills as that; I think, that if any gentleman who acted for the promoters of a Bill before Parliament was asked, as a matter of honour, whether there were any agreements in existence affecting the matter of inquiry before the Committee or not, you would have a fair answer in 999 cases out of 1,000.

1289. I do not assume that any solicitor would give a false answer, but the persons who employ that solicitor might very easily put business which they did not wish to come before the Committee into the hands of some other gentleman to prepare, might they not; is not that done in election matters every day?—I should be sorry to think so; I think you could hardly make any rule which would be safe to prevent fraud in all cases, but I think you may make a rule which the generality of practitioners before Parliament would feel themselves bound fairly to comply with; I think that if an order was made that a statement should be prepared and signed by the solicitor as to whether there were any agreements affecting the subject of the inquiry, you would find no man who had any regard for his character, who would state that no agreement existed, if any agreement had been made, through another solicitor, and he could scarcely be ignorant of the fact.

1290. Could you pass a law that any agreements which had not been so produced should be held invalid?—I have not considered that question; you might require that no agreement should be valid which was not scheduled either by the heading of it, or by the contents of it.

1291. In a case where there was no question of this kind, with regard to these agreements to be decided what would the other Chairmen on the Select Committee have to do; would they have any other business to do?—I think that they would have nothing whatever to do excepting to meet at an early period of the Session under a permanent Chairman, and to have all these statements before them; they would have a general view of the business before the House, and of the various powers sought by the different Railway Bills; I think that on discussion among themselves, it might very likely happen that some general view would be taken of policy in dealing with these Bills, and that each member of the Committee having to act afterwards as Chairman of the Select Committee on the Bill, would become possessed of knowledge useful to him before he took the Chair; I dwell particularly on the question of finance as a question of general policy, because there are differences of opinion no doubt among honourable Members upon that question. Some honorable Members may think that a Company ought not to be called upon to show that they have means at their disposal; another honorable Member may think that they ought,

ought, and that it is not safe to legislate until means are provided; I think it would be very desirable that there should be some uniform view taken by Parliament upon that subject, because since the abolition of subscription contracts it is pretty notorious that there is hardly any Bill brought before a Committee, by a new Company for which funds are provided at all.

1292. If the Committee of Chairmen were divided in opinion on a question of policy, would you make the opinion of the majority binding upon the minority?—I think that in a matter of importance of that sort it would be very desirable that there should be uniformity. I think that it would be very undesirable that two Companies under precisely similar circumstances should prosecute Bills before two different Committees, and that one company should have its Bill rejected and the other passed; I think that some general rule should govern all. You have now a Standing Order that every Committee shall report upon the financial position of the company applying for the Bill; but we know perfectly well, that in practice that amounts to nothing, because the preamble is, generally speaking, passed before an inquiry is made into the subject; it being considered to be matter for the report; and then the Committee, having decided that the line is expedient to be made, will not stultify their decision by stating that the parties have no money to make it, and in nine cases out of ten that Standing Order is a dead letter.

1293. If every one of the 200 Bills of this year had to go before this Committee of Chairmen, would not the time of the Chairmen of Groups be very much occupied and perhaps wasted?—I do not think that their labours would be very great in dealing with those preliminary questions. I have a further suggestion to make, namely, that these statements, and the inquiries before the original Committee should altogether supersede the Board of Trade reports; and I would make another suggestion, which is, that the Committee should have the assistance of a gentleman like Mr. Booth, who would supply them with all the information which they might require to aid them in their labours; and I think that the decisions at which they might arrive in reference to particular Bills, in case any question arose upon them, would be far more important as guiding the decisions of Committees afterwards, than the mere reports from the Board of Trade.

1294. You have not, I suppose, formed any kind of estimate as to how many Bills they could get through in a morning?—Not at all; my notion is, that these statements should be very short, that they should be in a tabulated form, and comprised certainly in a sheet of paper. Some of the matters are mere statistical matters which would hardly require investigation at all.

1295. Is it not the object of all courts of justice to make the pleadings as short as possible?—I think it ought to be.

1296. Nevertheless, the pleadings do somehow or other sometimes become rather long?—Yes; but supposing you gave a tabulated form, and required the statement to be compressed into that form, I think the parties would be bound to do it.

1297. That form would only be headings, would it?—Yes, and I should require the whole information to be given in one sheet; there would be no difficulty in giving it.

1298. Would those statements have all the qualities of pleadings; that is to say, would they limit the parties to the evidence which they would be required to put in?—I must take that with a little reservation. The statement would be rather an elucidation or an amplification of the preamble of the Bill. The preamble is the matter which the promoters have to prove before the Committee; the statement would be simply, to a certain extent, an elucidation of what they mean by their preamble; the preamble simply alleges that, on public grounds, it is expedient that a railway should be made. That is the issue raised before the Committee; and then the statement would merely afford information for the Committee of the grounds of that allegation.

1299. Then you would not limit the parties in the production of their evidence to those points which they had stated?—I would not allow them to give any evidence which would be inconsistent with their statement; but it appears to me that in this table which I have drawn up, which I admit has been done hurriedly, I have included almost all the subject matters which usually arise in an inquiry upon the preamble.

1300. When you say "subject matters," they can only be headings, and under

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any one heading there may be a hundred matters of fact to be produced in evidence; would you require them to be stated beforehand in the pleadings?—No, certainly not; for instance, let us take this single fact: that you require the promoters to state the nature of the traffic, trade and manufacture of the particular towns to be benefited, and the revenue which they contemplate; that may lead them into a very considerable branch of evidence. They would state generally that the trade consists of cotton manufactures, or iron manufactures (or whatever it may be), in a particular town, and of other manufactures in another town, and that they contemplate a revenue from an agricultural trade, and so forth. Then they would call their witnesses to prove that that trade exists; and that is, of course, subject to cross-examination and a long inquiry.

1301. Take such a great question as that; when you come to the counter-statement, might not the opponents put in all sorts of modifications?—Yes.

1302. Are they to put in a full statement of what they mean to prove or not?—No, I would not require any detailed statement; I think that the opponents, in all probability, would state for instance, "We admit the fact (or they would state nothing about it) that the length of the railway is such, that the gradients are correctly stated, that the tunnels and viaducts are correct, that the estimate is so and so, that the line connects such and such towns, and that such and such adjacent towns exist on the line." Then comes the nature of their trade and manufactures: the opponents would probably say, "We deny that there are the manufactures which the promoters allege, or that they are productive of any thing like the revenue which is stated." Of course that issue must be tried; it is, in point of fact, the preamble. I think that these statements need not be long, but that they may be very short indeed, and they would contain much important information.

1303. *Chairman.*] As a rule, do Chairmen allow all those particulars which you have read over to be proved when nobody states that they are objected to?—Yes, they are always proved; you must substantiate your preamble.

1304. You would, by your plan, save proving all those things which were admitted?—Everything which was admitted might be taken *pro confesso.*

1305. You think that in all probability the opposing parties would admit a number of those things?—They would.

1306. Therefore, in those cases the proofs which are now given *vivâ voce* would no longer be given?—Quite so, that is my object.

1307. Mr. *Puller.*] By whom do you suppose that the counter-statements would be prepared; would not they be prepared by the Junior Parliamentary Counsel?—No, the solicitors and agents would prepare them together.

1308. If they were to have any value at all, would they not be soon found to be documents of that importance which would require them to be prepared by counsel?—No; I formerly acted myself as a Parliamentary agent for some years, and all that description of statement was invariably prepared by the agent.

1309. Was there any statement prepared of matters of pleadings?—We had much more important statements than those to prepare, because in 1845 we had to prepare the whole of the statements to influence the decision of the Board of Trade on the various Bills, and they were invariably done in our own offices.

1310. If I understand you rightly, you contemplate that one advantage to be derived from this system of statements is, that full notice would be given to both sides of the case on both sides, as to what would be the issue in fact, and you would get rid of a part of the evidence which is otherwise necessary, but which is brought upon mere speculation?—Yes; I think that to a certain extent it would narrow the inquiry; but it would also have this effect, that it would place the Committee and the opponents of the Bill at the outset in the possession of a knowledge of the facts which, under the present system, can only be arrived at by the process of examination. For instance, take the question of agreements; I propose that the promoters shall state how the capital is to be obtained; by whom or under what arrangements the deposit money has been paid; whether any powers are sought over other railways, and, if by agreement, that the nature of it shall be stated; all those matters now require a very long inquiry before the Committee, and the opponents come without any knowledge of what arrangements are made. But, according to my plan, they would have a distinct knowledge of

of them; the promoters would state, "We propose to work our railway by an arrangement which we have made with another company."

1311. Mr. *Adair.*] They have now no further evidence than the arrangements contained in the clauses of the Bill?—Quite so.

1312. Mr. *Paull.*] Is not your proposal what takes place in practice in common law, the solicitors for the plaintiff or for the defendant call upon the other side to admit?—No doubt.

1313. And then when they have admitted, evidence is not offered upon the point?—Quite so.

1314. So that the statements would consist of words only, and hardly sentences, the word "admitted" would be used?—Yes.

1315. Then, as regarded the matters which the opponents intended to contest, they would either make no entry at all, or state, "opposed;" it would be as short as that?—Yes; no doubt it would be quite sufficient for an opponent to state in his counter-statement, "I deny the facts contained in such and such allegations."

1316. The object of that would be, that when the Committee sat, and the case was tried, if it was attempted to give evidence upon the points which had been admitted, the Chairman would at once say, "We do not require that; it is admitted"?—He of course would do so.

1317. That would be a process by which you think that the inquiry would be shortened?—Yes; I do not think that it would be materially shortened, because I admit that the main issue would, in nine cases out of ten, be raised where there was an opposition, namely, whether the railway was required on account of the necessities of the district; that is the great issue to be tried, and that would be tried still.

1318. *Chairman.*] What you think would be the result would be this, that it would to some extent limit the evidence given on both sides more than at present?—Yes, and it would not only limit the evidence, but it would put the opponents in the position of conducting their inquiry more efficiently than they can now; they would get, at an early period, knowledge which they have not now.

1319. Mr. *Puller.*] Do you think that the agents would often take upon themselves the responsibility of making statements which would stop their producing evidence afterwards?—I think that there are many things which must be admitted; there are statistical facts which can hardly be denied; for instance, the estimate is lodged, and there can be no doubt as to its amount; but the opponent might state that the estimate was insufficient.

1320. The great expense of all these inquiries arises from the length of the hearing and the number of witnesses examined, and the length of time which it takes to examine and cross-examine those witnesses?—No doubt.

1321. Do you consider upon the whole that the system of oral examination is the best?—I think so.

1322. Upon what ground?—I do not think that if you had other than oral testimony and cross-examination, it could ever be conducted so efficiently as it is where you have the witness in the box before you.

1323. It is principally from the advantage of cross-examining the witness where it is desirable to do so?—Yes.

1324. Do you think that actual cross-examination very often has much effect?—Certainly.

1325. As distinguished from the liability to cross-examination?—I think that the cross-examination very often breaks down the examination in chief; you find that everything is *couleur de rose* in the examination in chief, but very often after the cross-examination it is very different.

1326. Does not it often happen that the cross-examination does more harm than good to the party cross-examining?—That may be so, and especially with a very clever engineer who has his whole case at his fingers' ends, and who is cross-examined by an inefficient counsel; he would make his case better instead of worse.

1327. Supposing that all the evidence in chief upon both sides was put in by way of affidavit, as is done in the Court of Chancery, but with the power on each side to point out what witnesses they wished to cross-examine before the Committee, would not the advantage of cross-examination be sufficiently obtained?—I do not think that if you had written evidence before the Committee,

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mittee, the Members of the Committee themselves would become so fully possessed of the value of that evidence as they are by having it given *vivâ voce*. I have known many cases in which the evidence of preceding Sessions has been referred to a Committee; but I confess that I have never known a case in which that evidence has been read, or where it has produced any great impression upon the Committee.

1328. Mr. *Adair*.] Is not the object of referring it, simply, that it may be made use of in speeches before a Committee?—Yes, I think so, and to confront a witness if he states in one year what he has not stated in another year.

1329. It tests the veracity of a witness who appears in two subsequent years?—Yes; I am not an advocate for written evidence.

1330. Mr. *Puller*.] If the affidavits were printed and put into the hands of the Committee, and read by the counsel, as the evidence is read before the Judge in the Court of Chancery, do you not think that the Members of the Committee, having the matter before their eyes at the same time as it was read to them by the counsel, would take it in quite as well?—No, I do not; I think that no evidence is calculated so to impress the parties who hear it as that which is given *vivâ voce*. There is a good deal in the manner of the witness as well as in the matter of the evidence which he gives; and I think that if a man sits down and prepares his affidavit, it is never so satisfactory a mode of giving evidence as giving it *vivâ voce*, when he knows that he is subject at the same moment to be cross-examined upon everything which he says.

1331. The witnesses would be subject to cross-examination, if the method which I suggest was adopted?—Yes; I have had no experience of conducting an inquiry in that way, but exercising my own best judgment upon it, I should say that it could not be so satisfactory as for the Committee to hear the witness himself, and that witness to give his evidence in the presence of the parties who are to cross-examine him.

1332. It would shorten the evidence?—I doubt that very much; I think that if you had an affidavit, which was to be read before the Committee, you would have persons engaged in getting up evidence against that affidavit, and getting materials for the cross-examination of the witness. It is very often a great desire on the part of counsel, not to conclude the examination in chief at the end of the day, because they know that the other side will read that examination in chief, in order to prepare themselves for the cross-examination the next morning, and you will always find in those cases, that the cross-examination is longer than when it takes place immediately after the examination in chief; so that I do not think you would save any time by written evidence in chief.

1333. But if any evidence is to be produced, is it not better that it should all come out before a Committee of the House of Commons, than that parties should gain a victory by the suppression of evidence, and then have to fight the case over again before a Committee of the House of Lords?—I do not know that truth is much more elicited by a very lengthy cross-examination; but the fact is, that the cross-examination will certainly be longer if a longer time is given to prepare it, than if a short time is given; and I think it would be found that if the evidence in chief was given in a written or printed form, the proceedings would certainly not be curtailed; it would involve the trouble of its being read before the Committee; it would involve the additional cost of having it printed, if it was to be printed in the first instance, and after having been read, the witness would be brought forward for a long cross-examination, which would be prepared with great care upon reading the evidence.

1334. That would be if the parties wished to cross-examine?—They always do, unless the matter is perfectly unimportant.

1335. Mr. *Lowe*.] You say that you would not allow anything to be proved which was inconsistent with what was in the written statement?—Quite so.

1336. Would not that be an inducement to parties to make the statements as wide and ambiguous as possible, in order to let in such proof as they might desire?—I do not see what great ambiguity could arise upon these particulars. So far as I have been enabled, I have confined them very much to statistical information. For instance, take the towns to be connected and their population, you cannot put a vague description of that; then the nature of their trade and manufacture, and their present means of communication.

1337. Can nothing vague be given about their manufacture, or the nature of their

their trade?—Yes, I think that the parties might put a general answer to that, no doubt; but then I go on further to make them state what revenue they anticipate, and from what sources, specifying shortly the contemplated revenue from each source; that is statistical.

1338. Is there nothing in the sources which would admit of considerable vagueness and ambiguity of statement?—Yes, I think that they might very likely state, "We anticipate a revenue of 10,000 *l.* a year from the carriage of iron," or whatever it might be.

1339. Might they not say, "Metal, or other raw material," or something of that sort?—Yes; these are the very points upon which issue would be raised; there is no doubt about that. It enables the opponents of the Bill to see distinctly beforehand on what the promoters rely. If they merely state in the preamble, "We hold it to be expedient to make a railway between A. and B." without assigning the grounds, the opponents have to combat that allegation in the widest possible form; but according to my suggestion, the parties are asked, "Why do you consider it expedient? Because there are such and such towns from which we expect such and such a revenue." Then, having pinned themselves to those statements, the opponents can say that those towns do not possess those trades.

1340. But they are not pinned to those statements, are they; they are merely to say nothing inconsistent with them?—Exactly.

1341. They may give all manner of evidence which is not there, provided they do not give any which contradicts what is there?—But what evidence could they give with reference to the formation of a railway but that?

1342. Is it not your experience, as a lawyer, that these things called pleadings are always sources of enormous delay, and trouble, and quibbling, in the conduct of cases; do you not think that you would have questions as to the construction of these documents argued before Committees, in addition to all the questions which you have now?—I think that the Select Committee, in the first instance, would be entitled to state whether the statement deposited satisfied their views as to what the statement ought to contain or not.

1343. One advantage of these pleadings, as I understand you, is, that they would shorten the proceedings?—Yes.

1344. Do you think that there is any wish to shorten the proceedings?—It is the object of this Committee, I suppose, to devise such a scheme as shall have that effect.

1345. But is there any such wish in the parties contesting before Parliamentary Committees?—I am quite sure that it is the object of all parties.

1346. That all parties wish the examination to be as short as possible?—I cannot doubt for a moment that both promoters and opponents of Bills would be glad to arrive at a decision in the shortest possible time.

1347. And those who represent them before Committees?—Yes.

1348. Do you think that those who represent them (the agents and other persons), and who are paid more as the proceedings are longer, also wish that the proceedings should be as short as possible?—I should be ashamed of them if they desired to protract the proceedings with a view to put money in their own pockets.

1349. You do not think that they do?—I am sure that they do not.

1350. You think that they would gladly avail themselves of any means which could be offered them to attain that result?—It is not for them, but for the promoters of Bills to avail themselves of the means, and I am sure that if any plan was adopted by Parliament with the object of shortening the proceedings, they would do all in their power to act in accordance with whatever might be the decision of Parliament.

1351. It is competent to parties at present, I presume, to make admission of certain facts with a view to shorten the proceedings before Committees; is it within your own experience that that is ever done?—My own impression is, that parties contesting Bills before Committees will avail themselves of every possible means of throwing out those Bills, and that they will never make an admission if they think that that admission will tend to carry the Bill; but apart from that, I am not aware of any inquiry in which an unimportant fact has been contested by the opponents of a Bill with a view to protract the proceedings.

1352. But facts are proved, you say, which are perfectly notorious, and which are not disputed?—I do not know that any facts are proved which are not

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disputed, except such as are requisite for the information of the Committee. I think that petitioners against a Bill put in issue the preamble of the Bill, which questions all those matters which are raised by the promoters in favour of the Bill.

1353. Have you ever known any instance where any of those matters have been admitted?—I have known a great many cases in which points which have been considered immaterial have been at once admitted by the opponents, and they have said, "We do not contest those points."

1354. But how is it with respect to points which are material?—If they are considered material, I have never known a case in which an opponent would admit them.

1355. "Material" is one thing, and "disputed" is another; a thing may be very material, and also very clear?—It is entirely a matter of judgment on the part of the opponent of the Bill as to what it would be material to admit.

1356. What do you mean by "material"?—I think that any fact which was considered material by the promoters to the success of their Bill would be considered a matter to be disputed by the other side if they could dispute it. If you will give me a specific case, I will give you a specific answer.

1357. Do you mean a thing which is disputed, or do you mean an allegation which is necessary to be proved and affirmed by the Committee, before the Bill shall pass?—I think that if the engineer for the Bill said, "My railway is 100 miles long," and the party on the other side knew that it was 100 miles long, and was to cross-examine and dispute the fact, it would be a useless waste of time; but, on the other hand, if the engineer stated, "My railway is 100 miles long, and will cost a million of money," the other side might contest the fact, and urge that it would cost a great deal more; the one would be material, and the other immaterial.

1358. But the length of the railway is a material point?—It would never be contested; it would be a patent fact, which could not be contested; it would be a waste of time to contest it.

1359. Then you were mistaken just now, I suppose, when you said that every material fact is always proved, whether it is disputed or not?—It must be proved for the satisfaction of the Committee; nothing is taken for granted.

1360. Why?—Because every Committee must have proof of the preamble produced before them.

1361. That is not the case at *nisi prius*, is it; an immense deal is admitted there?—That is not the practice of Parliament; every material fact must be proved before them to their satisfaction; you cannot take it for granted.

1362. If the parties admitted the fact, would the Committee still require it to be proved?—In many cases I think not, unless for their own information.

1363. Then it is not quite correct to say that every material fact is proved?—You must give me specific cases. There are certain matters which the Standing Orders require to be proved distinctly; there are things which the Committee are required to report upon, and all those matters must be proved before the Committee; they are material facts upon which the Committee are to legislate, whether disputed or not. I do not know that any other than material facts are ever brought before their notice. I do not know what the Right Honourable Member alludes to.

1364. In the criminal courts of law it is said that a man cannot make admissions, and that everything must be proved; that the court will not receive admissions?—Clearly they will not.

1365. But in a civil action they will receive admissions to any extent?—When the parties concur.

1366. But though the parties may concur in a criminal case, the court will not receive admissions?—Quite so.

1367. Do you maintain that a Committee of the House of Commons is like a criminal court or like a civil court?—I do not know what the Right Honourable Member is alluding to. Perhaps he will give me what he considers a material fact or an immaterial fact. I consider that where parties promote a Bill in which they allege that a particular railway is necessary between two places, they are bound to prove such facts as will satisfy the Committee that it is important that that railway should be made. I do not know what fact you allude to as being immaterial for the Committee to hear, but which is heard.

1368. If a fact were admitted would it be proved?—In some cases it would, but

but if a matter is contested it is of course never admitted; the mere fact that the opponents are there to deny that the railway is necessary, drives the promoters to proof of their case.

1369. Take the length of the railway?—That is never contested.

1370. Then it is not correct that everything has to be proved?—It is proved, though not contested; you put the engineer into the box, and, as any Honourable Chairman of a Committee would tell you, he is always asked, What is the length of your railway? What are your gradients and curves? What are your tunnels? and what is your estimate? All those facts must be proved before the Committee, to satisfy them.

1371. Mr. *R. Hodgson.*] One serious item of expense before Committees is the copies of Minutes of Evidence which are furnished to counsel and agents each morning of the inquiry?—Yes.

1372. Do you think that it would be wise, with a view to diminishing that expense, to limit the number of copies which should be delivered to the parties engaged?—In answering that question one trenches upon another very important question, namely, the remuneration to the solicitors.

1373. I am going to that; but do you think that it would be wise or right in the House of Commons to limit the number of copies which should be delivered to the parties engaged in these contests?—No; I think that I should leave a discretion to the parties conducting their own case. I would not declare that a certain number only should be delivered.

1374. You think that that would be an unwise mode in which economy might be obtained?—Yes. I do not mean to say that very often more evidence is not copied than may be necessary, but at the same time, I do not think that it would be wise to lay down any rule as to the number of copies to be made, because they would be measured by the circumstances of the case.

1375. Do you think that it would be as convenient that the Minutes of Evidence should be printed as that they should be written, or copied, or lithographed?—Speaking from my own experience, I should say, that there is nothing more convenient for counsel, and also for the Committee, than to have the evidence printed. I have had experience of that; because, in the last few years, I have been very much engaged for one Company, the London, Chatham, and Dover Railway Company, where we have had very severe contests every Session with the South Eastern Company, who were our opponents, and where it has been the habit of Messrs. Freshfield, who are the solicitors on our side, to print the evidence, and I cannot exaggerate the convenience which it has been to all the counsel engaged; so much so, that in the last Session of Parliament, in a contest in which I was engaged for Messrs. Baxter's house, I pointed out to them the convenience which we had derived from that, and Mr. Baxter adopted the same mode last year, and I must say with great convenience to us all; I mean merely in reading the evidence.

1376. Mr. *Adair.*] Do you mean printing in type, or lithography?—In type; in book form. Any honourable Member will easily judge of the inconvenience of huge brief sheets to read over in writing.

1377. Mr. *R. Hodgson.*] Did you receive the printed evidence each morning, in the same way as in the case of lithographed copies?—We did not in that case; we did in another case, namely, a hybrid Government Bill for regulating the Gas Companies; there we had a great many opponents; the gas companies were opposing the Bill, and we had the evidence printed *de die in diem* and distributed, and it was a great convenience.

1378. Mr. *E. P. Bouverie.*] You had it without difficulty?—I think so.

1379. Mr. *R. Hodgson.*] You had it every morning?—I think so; we had it last year also in the case of the Thames Embankment Bill.

1380. We have had referred to this Committee the Report and the Minutes of Evidence given before the Committee of last Session; Mr. Hansard gave evidence before that Committee, and he stated that in five hours he could have the evidence printed, provided that he had it written out, and given him in due course by the shorthand writer; that in five hours he could print a sufficient number of copies for the use of Parliament, and of the parties, at the cost of 1 *s.* 2 *d.* per folio. Do you think that it would be a saving of expense to the parties, considering the number of copies which are usually required, and more convenient that the Minutes of Evidence should be printed in that manner, at the expense of the parties, at 1 *s.* 2 *d.* per folio, or thereabouts?—I should not like

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like to give evidence upon the question of expense; but my own impression is, that the saving of expense would depend upon the number of copies; I am not a competent judge upon the point, but I do not think that you could print a very limited number of copies so cheaply as you could lithograph them or write them.

1381. Mr. Hansard stated that he would print from 20 to 25 copies at the price of 1 *s.* 2 *d.* per folio for the whole; 20 to 25 copies would be ample?—More than ample.

1382. Of course the printing of one or two copies would come to the same thing, but still you would get any number under 25 copies for 1 *s.* 2 *d.* per folio?—That is the printer's charge; then you have to compare that with the law stationer's charge for lithographing four or five copies.

1383. We will go to the fees which are paid for the copies of Minutes of Evidence which are now obtained by the parties; you are aware that in the first instance Mr. Gurney receives 9 *d.* per folio?—Yes.

1384. And that the House of Commons gets 6 *d.*?—Yes.

1385. That is 1 *s.* 3 *d.* for the first two copies?—Yes.

1386. According to Mr. Hansard's evidence, you could get 25 copies of the evidence printed for 1 *s.* 2 *d.*, whereas the first two copies cost 1 *s.* 3 *d.*?—Yes; but Mr. Hansard's charge would be in addition to Mr. Gurney's 9 *d.*, because that is for the transcript of the shorthand writer's notes.

1387. It is not an uncommon thing for the evidence before a Committee in a single day to amount to 300, 400, and even more folios, is it?—I should say that 300 is the average.

1388. The payment to Mr. Gurney for 300 folios at 9 *d.* would be 11 *l.* 5 *s.*?—Yes.

1389. Mr. Hansard's charge would be at 1 *s.* 2 *d.* a folio for 20 or 25 copies, 17 *l.* 10 *s.*, making together 28 *l.* 15 *s*?—Yes.

1390. Whether for one copy or for 25 copies, 28 *l.* 15 *s.* would cover the whole expense. We will now go to the fees to the agents; for each copy a fee of 8 *d.* per folio is paid?—You mean to the solicitor?

1391. Yes?—Yes.

1392. To the solicitors in the case of English Bills, and to the Parliamentary agents in the case of Scotch Bills. I believe that that is the practice?—Yes, that I believe is the practice.

1393. It is not an extraordinary supposition that 12 copies would be required for the parties on both sides, witnesses, counsel, and agents?—Yes, I think that 12 copies would be more than would be required.

1394. If 12 copies were made, 300 eightpences, multiplied by 12, would give 120 *l.*?—Yes, 10 *l.* for each copy; but I think that 12 copies are rather more than I should allow, on the average.

1395. Take six copies; then it would be 60 *l.*?—Yes.

1396. Added to the 28 *l.* 15 *s.*, which is the fee paid to Mr. Gurney, and the expense of Mr. Hansard, it would be 88 *l.* 15 *s.*; therefore, out of 88 *l.* 15 *s.*, which in that case would be the cost of six copies, including Mr. Gurney's charge and Mr. Hansard's charge for printing, 60 *l.* would be saved, would it not?—But you are now dealing with the question of professional profit.

1397. Professional profit paid by means of fees?—If you curtail professional profit, you may of course very much curtail Parliamentary expenses, but then comes the fairness of the curtailment of the professional profit. There is no doubt of this fact, that the charge for copying those 300 folios is, at the rate of 2 *d.* a folio, or 2 *l.* 10 *s.*, whereas the charge made by the solicitor is at the rate of 8 *d.*, or 10 *l.*; therefore the solicitor gets 7 *l.* 10 *s.*

1398. What does the solicitor do for the odd 6 *d.*?—I do not think that the solicitor does anything. With reference to the copies of the evidence, it is a purely manual operation, and involves no responsibility on the part of the solicitor at all. Therefore, if it were a charge made on account of labour performed on that particular duty, it would be a very excessive charge. Then comes the other consideration, whether it is not a means of compensating the solicitor for other labours and responsibilities; that is a matter upon which I would rather not give evidence, for I really am not competent to do so. But what the solicitors maintain is this: admitting the fact that we are paid really for this evidence far more than may be justified by any labour which we bestow upon the evidence itself, yet that is a means of compensating us for other labours which we perform.

1399. You

1399. You have stated that you think that it would be more convenient to have the Minutes of Evidence in print?—That I think.

1400. And I have referred you to the evidence of Mr. Hansard, which shows that we can have in print any number of copies under 20, taking a day's evidence to be 300 folios, at only 28 *l.* 15 *s.*?—You may cheapen it, no doubt.

1401. And that every copy subsequently to that, for which the solicitor or Parliamentary agent does no work at all, is extra the price which it costs to get evidence printed by Mr. Hansard?—There is no doubt of the fact that you may cheapen it.

1402. Do you think it a legitimate mode of paying Parliamentary agents or solicitors for other work which is done, that it should be paid for in the shape of a fee for which no labour is done, and which amounts to a very large sum of money?—It is the system by which solicitors are paid, not only in this branch of business, but in others too, namely, by their copies, which are mere ministerial acts performed by their officers. I would rather not give evidence upon a matter upon which I am not competent to speak. I know that the fees payable to solicitors and Parliamentary agents were the subject of an inquiry by a Committee some years ago; they, no doubt, considered that subject, and came to a decision, whether rightly or wrongly, I will not say.

1403. Counsel's fees are also a source of great expense to parties appearing before Parliamentary Committees?—Yes.

1404. Do you think that Parliament would do wisely with regard to the interests of parties before Parliamentary Committees, if they were to limit the number of counsel appearing on each side upon a Bill?—I think that it would be a great restriction upon the judgment and discretion of the parties promoting and contesting a Bill. I do not see why the parties should not judge for themselves what number of counsel they will employ; they are the best judges of what they can afford to pay.

1405. The number of counsel employed is, I presume, somewhat increased, by the number of cases going on at one time?—No doubt of it.

1406. Causing a necessity to those who are litigants to retain more counsel, in order to make sure that they will have some one to represent them?—No, I quite deny that; I maintain that it is entirely in the discretion of a solicitor to have a counsel who will attend *de die in diem*, or a counsel who cannot attend *de die in diem*; it is his own choice.

1407. Will you explain that?—Westminster Hall contains hundreds of men who would gladly come on condition that they never left the room; it is at the solicitor's discretion; he may go to Westminster Hall and say to a counsel, "I will employ you, if you will come and stick to my case," and many counsel would say, "I should only be too glad to do so."

1408. There is nothing unprofessional in it?—No; so far from it, men have repeatedly come to me, and said, "Will you take a brief, on condition of staying out the case?" I have said, "I cannot do that; I have too many clients, and if I did so, I should neglect another client. I do not regulate the sittings of these Committees, and if they clash I cannot help it." But another man who has not so much business, may say, "I will take your brief with the greatest possible pleasure on those conditions."

1409. Then does not the necessity of employing a great number of counsel in some measure depend upon the number of cases going on at the same time, coupled with the fact of only a certain number of barristers attending before Parliamentary Committees?—That is a mistake; any number of barristers may practice before Parliamentary Committees; hundreds are ready to practice if they could get briefs.

1410. There is, I believe, a difference in payment with regard to counsel's fees in Parliamentary practice, as compared with the practice in Westminster Hall and other courts?—In Westminster Hall cases are generally concluded in a day, and therefore the system of refreshers, as it is called, hardly applies, as it does to Parliament, where the cases are going on for a long time, and, consequently, there is hardly an analogy between the two things.

1411. In Parliamentary practice, junior counsel in all cases receive the same fees as senior counsel?—Yes, they receive the same fees for daily attendance, and for consultation.

1412. That is not the case in other courts, is it?—As I have stated, they are not paid for daily attendances in other courts; they are paid by the brief fee; and in Parliament, the same as in the courts, a distinction is made between

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the fee paid to the junior counsel on his brief, and the fee paid to the senior counsel.

1413. Would there be anything contrary to etiquette, or anything unprofessional in a junior counsel in Parliamentary practice receiving a less fee than his senior?—These matters are regulated very much by the etiquette of the profession. I do not think that any counsel now, according to the ordinary etiquette of the bar, would consent to take a lower fee than that which had been ordinarily paid for daily attendance; it would no doubt be considered an unprofessional thing to do so.

1414. In your view, it must be by a co-operation, or an agreement among the counsel themselves, that such an alteration could be effected?—I think so. There is also this to be said, that there is many a junior counsel practising who is is good as his senior. Many a junior counsel has a very large practice, and it is difficult to lay down any particular rule which shall make a distinction between the junior and the senior; it must be regulated very much by the discretion of the profession.

1415. Mr. *Puller.*] By what body of the profession would any question of that sort, if it arose, be decided; by the benchers?—I think that the question would arise in this way: supposing any counsel were to appear before Committees with the knowledge among his associates that he was receiving a smaller fee than that which etiquette had fixed, I think that such a counsel would be viewed with so much disfavour, that he would not hold his proper position among the others.

1416. The question would not come before any tribunal?—No, any barrister who chooses to go before Parliament for a guinea a day may do so if he thinks fit, but I think that his colleagues would not view him with much favour if he departed from the ordinary practice; that is the only penalty which would attach to him.

1417. Mr. *E. P. Bouverie.*] He would be sent to Coventry?—Yes.

1418. Mr. *Massey.*] Practically, he cannot do it?—No.

1419. Mr. *R. Hodgson.*] Not without the sanction of the general body?—I think certainly not. The present practice has prevailed for many years; no doubt the original reason for the amount of the fee, was the fact of men being taken from their courts, and that practice has obtained ever since; and unless there was some general acquiescence on the part of the profession in an alteration of the fee, any gentleman taking upon himself to depart from it, would no doubt incur a certain amount of odium by so doing.

1420. Excepting by the special agreement, which you have mentioned, you see no other way of providing for the continued attendance of counsel engaged in particular cases before Committees?—Indeed I do not; I think that it is entirely a matter of discretion with solicitors as to the counsel whom they employ. I might instance a case where a noble lord, with whom I had the honour of being acquainted, was promoting a Bill in which he was very much interested, and he thought himself quite sure of the Bill, but he lost it, and he was very indignant because his senior counsel had not regularly attended: he complained to me strongly about it, and stated that it was hardly honest, as he had given him the brief under the impression that he would attend. I said, "You should not say that, because your solicitor must have known that he had other business"; then, said his Lordship, "We must have another class of man." But he had got the other class of man in his junior, and was dissatisfied with him. Promoters will not be satisfied with a man unless he is an efficient and experienced man, and the most efficient men have the most business; it is like any other profession.

1421. Mr. *Adair.*] Do you see any objection to the introduction of the practice of Westminster Hall, of a brief fee upon the delivery of the brief, instead of the daily payment which is now customary?—We are so uncertain as to the duration of the inquiries, that that could hardly be done. The brief fee might be a very immoderate fee for a case which was concluded in one day, and a very insufficient fee for a case which lasted two weeks.

1422. But the brief fee would be an evidence of the view which the party giving it entertained of the professional capacity of the party who received it?—That is so now; there is a brief fee as well as a daily fee, and it happens that the brief fee is always regulated by the standing of the man who receives it.

1423. But the brief fee at present is very small; it is a mere form, is it not; will

will you tell the Committee what proportion the brief fee bears to the daily fee? —The proportion depends altogether on the duration of the inquiry; sometimes the brief fee would be an insignificant sum as compared with the sum for the daily attendances, and in other cases it is quite the reverse. In the courts the practice prevails of giving a refresher, where a case lasts more than a day; it is by no means the rule of the courts, that a counsel is satisfied with the brief fee if the case lasts two or three days; he almost always has a refresher.

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1424. Could not the same custom be followed in Parliament of giving a refresher where the case occupied a considerable length of time?—I think that that is the system now; you are uncertain at the commencement of the inquiry how long the case will last; and to make sure that it will be a fair remuneration, you pay a man in proportion to the duration of the inquiry by the system of refresher.

1425. Mr. *Puller.*] Is not the result of the system practically this, that quite a young counsel very often gets, in the case of a Railway Bill, remuneration far beyond what he would get in any other branch of the profession for the same kind of work?—There cannot be a doubt of it, that to a junior counsel a Parliamentary brief is a much more profitable thing than an ordinary brief in the Courts of Law, and it is one of the objects which the junior counsel naturally look to occasionally. I do not know that the majority of junior counsel are very much over-paid. The fact of the matter is this, if a man has a very limited business in Parliament, the amount of remuneration is no inducement to practice before Parliament.

1426. Mr. *R. Hodgson.*] The fee upon the brief, of course, varies?—The fee upon the brief varies; no man feeling himself capable of holding a proper position in the courts would accept a Parliamentary business, if he was confined to a very limited amount of it; it would never pay him.

1427. In the case of a junior counsel, the fee upon the brief may be 20 guineas or 30 guineas, and in the case of a senior counsel, it may be 200 guineas or 300 guineas?—Those are very extraordinary fees; I should say that a very large proportion of junior counsel's fees are 15 and 20 guineas at the outside.

1428. And for senior counsel, how much?—For senior counsel, I should say that 100 guineas is an unusual fee; I have known cases where the fee has been large; for instance, the great case of the Mersey Conservancy, where the Corporation of Liverpool were defending upwards of 120,000 *l.* a year in town dues; we there had very large fees; it was a very heavy case. I had myself one witness under examination in chief for three days. Cases of that sort, of course, are exceptional cases. Taking a case in the common law courts, I will venture to say, that if you had a commercial case there in which 50,000 *l.* was involved, it would be considered a matter of so much importance, that a gentleman like Mr. Bovill, or any other leading man, would very likely have several hundred guineas upon his brief; such fees are hardly known in Parliament, although we deal there with millions.

1429. Mr. *Paull.*] Is it not a fact that the fees on the brief before the Committees is a good deal proportioned to the circumstance that there will be 10 *l.* 10 *s.* a day paid during the progress of the inquiry?—No doubt the fees are very much smaller from that circumstance.

1430. If it were known that, when the brief was delivered, the case would be likely to run over a fortnight, instead of the fee being 100 guineas it would be 700 or 800 guineas at once?—I do not know that; I think that the fees are very much regulated by the importance of the case. If it was a very important case, the fee would be a large one, without reference to how long the time occupied would be. I think that the solicitor generally judges from the importance of the case, rather than from the occupation of time; but no doubt the fee in Parliament is smaller than in the courts by reason of the fact that there are daily refreshers.

1431. Is it not the fact that a counsel, who takes employment chiefly in these Committees, abandons the practice of his circuit and of Westminster Hall, and thereby foregoes acquiring the prizes of the profession?—He must do so; he cannot do otherwise. I do not hesitate to state that a very leading man makes a great sacrifice in so doing. Let us take the case of one gentleman, who, I dare say, is known to every honourable gentleman here, namely, Mr. Austin. Mr. Austin is often cited as a gentleman who made a large sum of money in a very short space of time; that is to say, he was employed during the railway

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mania in 1845 and 1846, when there was a large amount of business; but I suppose it will be admitted that Mr. Austin had as good a chance of the Woolsack as any gentleman in England if he had practised in the courts. He made a very considerable sacrifice by confining himself to Parliamentary practice, though it may be a fact that he made a very considerable sum of money in a short space of time.

1432. I suppose the feeling in Westminster Hall is, that a man who appears in a great number of cases before Committees states, that if they do not conclude before the period for going the circuit, he will return his brief, and go his circuit?—I think that the bulk of men having Parliamentary practice have virtually abandoned their circuit. I recollect particularly Mr. John Talbot, who was getting a large business on his own circuit, having to give it up.

1433. Mr. *Adair.*] Can you state why the consultation fees in Parliament should be so much higher than the consultation fees in Westminster Hall?—The only reason which I can assign is, that Parliamentary business is, to a certain extent, exceptional business, involving very large sums of money, and that therefore the fees have been fixed upon a higher scale than in Westminster Hall; and with this additional reason, that the Parliamentary practice leads to no professional distinction; a silk gown is the utmost that you can obtain. You cannot get a seat on the Bench or elsewhere, or any of those distinctions which are conferred upon gentlemen practising in the courts.

1434. Do you think that it would conduce to the shortening of cases if the sitting of the Committee were five hours instead of four?—We generally think that those sittings at 11 o'clock in the morning, instead of 12, and for five hours, are anything but convenient. I think that if you can sit for five hours, instead of four, every day, you will in all probability have so many days less sitting.

1435. Would it, in your opinion, shorten the time occupied by Committees if the Committee were to sit and hear a counsel's speech out without adjourning?—They generally do so, I think; they very seldom cut a speech into two days.

1436. Are the Committee to understand you that it is the practice to hear a counsel out, if the usual period of the rising of the Committee has arrived?—I think that in 99 cases out of 100, speeches do not go into two days. With reference to rising at the time when the House meets, that is so much a matter of discretion for the Committee, that one can hardly lay down any rule.

1437. Is it the practice for a counsel to rise to reply on a case, at three o'clock, with the understanding that the Committee will sit and hear him out?—Sometimes it is; sometimes Committees so determine; but it is a matter altogether for their discretion.

1438. Is it not the exception that Committees do so rather than the practice?—I think that the practice is generally for Committees to rise when the House meets, and that the other is the exception, and not the rule; but if there is going to be a long speech, I think if it comes to three o'clock before a counsel has to make a reply, the ordinary course is for him to state to the Committee, "I shall not be able to conclude to-day; will the Committee adjourn now?" and they either adjourn then, or, in their discretion, let him go on and resume the next day, or get leave to sit till five o'clock. I have known all those things done.

1439. What is your opinion of the present amount of deposit required by the Standing Orders?—It is eight per cent. I think that a very fair security to give.

1440. Do you think that the present system of deposit, is as protective of good schemes, and as inimical to bad schemes, as the old subscription contract?—I think that the old subscription contract was evaded; it was found really to be inoperative, and, in addition to that, it would, at the present time, be thus far inexpedient, that it is now almost impossible to obtain subscriptions to those railways which are left (the principal channels of communication being occupied) before the procuring of the Act; people find themselves involved in expenses, and that there will be very doubtful profits afterwards; and you seldom or never find parties ready to embark speculatively in those undertakings.

1441. In your scheme do you propose that all the Chairmen are to be paid?—I confess that I have often considered that would be an expedient thing, but I have not considered it as coming within my own province; it is rather a matter for Members of Parliament to determine among themselves; but I confess, looking

looking to the great labours which they do perform, it has always appeared to me that it was a fair subject for remuneration; on the other hand, it would be open to this objection, for instance, there is no more painstaking and diligent Chairman who sits than Lord Stanley, who sat through the whole of last Session, and possibly a nobleman in his position would not accept the situation of a salaried Chairman of a railway group, therefore you would possibly lose the services of a most valuable Chairman by the suggestion of payment. I do not feel myself very competent to give evidence upon the point, but it has always appeared to me, I confess, that the heavy duties performed by the Chairmen of groups are a fair subject for remuneration.

1442. If an opponent entirely neglected the synopsis of the promoters, which you propose, in what position would he be in regard of his opposition?—As admitting the facts contained in the statement.

1443. Therefore, any general allegation in his petition would not cover the introduction of any evidence antagonistic to the facts which were contained in the synopsis?—My intention in the suggestion was, that all matters which were not put in issue by a counter-statement should be absolutely taken *pro confesso*.

1444. Then he might be precluded in the conduct of his opposition by what would be a laches of his own?—Yes; but I think he never would be precluded from saying, Taking your statement to be true, there is no ground for making the railway; neither could he be precluded from stating, Supposing there be a ground for making the railway, still you ought not to take my property for it, but ought to go in some other direction.

1445. If that is so, what leads you to imagine that that synopsis would produce an answer from the opponents, if they could raise all the questions without the trouble of giving any formal answer to the allegations of the synopsis?—They could not raise all the questions in that manner. For instance, if they admitted the fact that the towns to be connected possessed such and such a trade, that would be a strong fact to be relied upon by the promoters uncontested; it would be said, We will not allow you to dispute that fact, because you have not raised an issue upon it.

1446. Mr. *Puller*.] You have said that the Parliamentary fees to counsel are a matter of etiquette; there are the same fees in the House of Lords, are there not?—Yes.

1447. They do not rest in the House of Lords simply upon etiquette, do they, but upon the rules of the House of Lords as to taxation?—No; fees to counsel are never taxed at all.

1448. Not in the House of Lords?—No, I have never known a case of the Parliamentary fees being dealt with in the House of Lords.

1449. Then it rests there upon etiquette?—Yes, entirely so.

1450. Mr. *Adair*.] Am I to understand you that the fees to counsel in the House of Lords are the same as in the House of Commons?—Precisely the same; I mean the daily attendance fee.

1451. Mr. *Puller*.] And in the Privy Council?—I do not practice before the Privy Council, but I believe that before the Privy Council they are the same. In the House of Lords, whenever they do tax, I believe that the solicitor's production of the barrister's clerk's receipt for fees is always taken by the Taxing Master as so much paid and admitted; they do not question the amount; I have never known it done.

1452. Mr. *Paull*.] Is there any greater reason in your judgment why before a Parliamentary Committee counsel should be furnished with a copy of the evidence taken day by day, either written or printed, than there is in a case in Westminster Hall?—In Westminster Hall the cases very seldom last more than a day, and I take it that where they do last more than a day, they seldom last more than two days at the outside; then a man may very well collect from his own notes what has taken place in those two days. But if the inquiry has occupied ten or twenty days, and a man has afterwards to reply upon that long case, he must, I think, refresh his memory by reference to accurate notes, and therefore on these long inquiries it is found necessary to have copies of the evidence.

1453. In Westminster Hall, where a patent case, or a railway case, for instance, lasts two or three days, are not the notes taken by the junior counsel, of whom a sufficient number are provided, judging from the probability of the length of the case, and will not those notes furnish the senior counsel who has to reply with a sufficient record of the evidence?—Yes, I think they do; but before Parliamentary Committees, of course a difficulty may be occasionally raised

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raised by disputes, after a long interval, whether certain facts are or not rightly stated; and then by reference to the shorthand writer's notes that is at once elucidated. I do not pretend for one moment to contend, that it is always necessary for every counsel to have a copy of the evidence every day, because I will fairly admit the fact, that I do not think that in nine cases out of ten it is read *de die in diem*, or at least by all the counsel. I think that, generally speaking, a diligent junior will read his copy of the Minutes of Evidence, and note it, but to suppose that a counsel in large practice can by possibility, consistently with his other duties, read through the daily notes, is out of the question; he cannot do it.

1454. In a cause in Westminster Hall, which is likely to last long, it is in the option of the parties whether they will employ a shorthand writer or not?—Yes, they send in their own shorthand writer.

1455. Do not you think that it might be well before Committees to make it optional with the parties whether they would have the notes taken by a shorthand writer or not, rather than that as a matter of course a shorthand writer should attend every Committee?—I would leave that matter for the discretion of the Members themselves, to say whether they would like to have the attendance of a shorthand writer. I think that it is advantageous to have some record of the evidence, which is admitted by both sides to be correct, and to which a reference can be had. If one party, for instance, employed a shorthand writer and the other did not, and if one party was put in possession of the evidence and the other was not, it might lead to disputes as to the accuracy of the report of the evidence; whereas, when a transcript of the evidence is given by the order of the House by an authorised officer, there can be no such doubt, and it is always referred to with certainty.

1456. If I remember rightly, a shorthand writer employed in Westminster Hall is sworn to give a true copy?—Yes, I believe he is; but, on the other hand, I doubt very much (it is rather a matter for the House to determine than for anybody else) whether it would be expedient to have these inquiries which involve very large questions and which may become the subject of discussion in the House, conducted without having some record of the evidence which is given; that, however, is a matter which I have not considered.

1457. If it be for the benefit of the House, the House ought to pay for it; if it be for the benefit of the promoters or the opponents, they should have the option whether they will have it or not?—Speaking merely in the character of counsel, I believe that it would be perfectly possible to have notes taken by the junior counsel or by certain parties employed, which would be quite sufficient for the conduct of our business; but it is a much wider question whether it would be expedient altogether to do away with the authorised report of the evidence which is now required to be given by an officer of the House.

Thomas Coates, Esquire, called in; and Examined.

T. Coates, Esq.

1458. *Chairman.*] YOU are a Parliamentary Agent?—I am.

1459. The expenses which are incurred by the promoters of private undertakings seeking Parliamentary powers are complained of; dividing the subject into two parts, the expenses incurred before legislation, and the expenses incurred during the obtaining of a Bill; I wish to ask you on the first branch whether you can suggest any mode by which expenses may be saved previously to legislation, with security to the public and to private interests?—Those expenses, as very likely the Committee are aware, consist of advertisements, the preparation of plans and sections, the deposit of them, and the notices to landowners. With respect to the advertisements I do not think that they ought to be diminished at all, with this exception, that the advertisement in London of works to be executed in the country, seems to me perfectly useless. Considering the number of London newspapers which there are, nobody knows whether the particular paper which he reads will contain the advertisements for the local works. I believe, therefore, that the notice in the London Gazette during the particular six weeks over which these notices extend is perfectly sufficient for all local purposes, with the exception of the local newspapers themselves. I think that the public are entitled to have information in the local newspapers of any works which are to be executed in their district. Therefore

Therefore I think that upon that head very little is to be saved excepting the London advertisements, and those I would undoubtedly retrench.

1460. Mr. *R. Hodgson.*] Do you classify Edinburgh and Dublin in the same way with the London paper, because in Scotland and in Ireland, if I mistake not, it is the law that these advertisements shall appear in the metropolitan paper as well as in the provincial?—Yes, just the same as in England.

1461. Does your remark apply to Dublin and Edinburgh as well as to a newspaper in London?—There is not precisely the same reason, because in Dublin and in Edinburgh there are not so many papers. Then comes the deposit of the plans and sections; I think that those ought to be deposited just as they now are; nay more, I would prohibit the deposit of any plans and sections upon the smaller scale, which is now frequently resorted to; I think it very unfair to landowners that the plan should ever be deposited upon so small a scale as to require that their particular property, if it consists of buildings, should be illustrated by a larger plan, so that a man unaccustomed to look at plans, should have his attention distracted by two plans of his own property; I would therefore restrict all the plans to the larger scale. Then come the notices to the landowners. Now the notice to a landowner consists of an intimation that a particular Bill for a particular purpose is about to be solicited in Parliament, which takes powers over his property. That, I think, the landowner and the lessee, and the occupier are entitled to have; but besides that there is a schedule, and the schedule affects to describe the works through his property, namely, that the work will be in five feet cutting or five feet embankment, and so forth; I look upon that as utterly useless; and not only useless, but as tending to mislead the landowner, for there is in every Bill a power of deviation of 100 yards upon each side of the line shown upon the deposited plan, and it may perfectly well happen, if it is an undulating country, that instead of an embankment it may be a cutting over that man's land. These schedules constitute the expense of that part of the proceeding, and I am told (it is not in my department) that every one of these notices costs the promoters 15 *s.*

1462. *Chairman.*] You would have a notice to each individual landowner?—Yes, but I would omit the schedule.

1463. What would be the difference between the expense of a notice without the schedule, and of a notice with the schedule?—The schedule is the real expense.

1464. There must be some expense in serving every landowner with a notice?—I take it that 2 *s.* would be a very ample remuneration for sending that circular to every owner, lessee, and occupier.

1465. That is without the schedule?—That is without the schedule.

1466. With the schedule, what does it cost?—With the schedule, as I am told, it now costs, and it is allowed in taxation that it shall cost, 15 *s.* a piece.

1467. Can you illustrate it by any particular railway?—I will take what I admit to be a very strong case indeed; but it is as well to illustrate it by a strong case as by a narrower case. There is a certain Midland Railway Bill now in Parliament for extending that company's railway into London; I am told, that there are no less than 8,000 notices to landowners in that case; that, at 15 *s.* each, is 6,000 *l.*; whereas if they were only 2 *s.* a piece, they would cost 800 *l.*

1468. That is a saving which you think could, with safety to the interests of these individual landowners, be made?—Yes; and not only safely, but I believe that the present system misleads the landowner; it does not give him any accurate information, and it may give him information precisely the opposite to that which he ought to receive; it misleads him by making him suppose that works described in his schedule will be the very works executed upon his property, whereas, under the power of deviation, not only is there the possibility, but there is a very strong probability that very different works indeed will be executed upon his property.

1469. In point of fact, I suppose this schedule is not considered or felt by the landowners, or their agents, to be of any great practical utility?—I do not happen to be a landowner; but when clients come to me, and ask me to petition against a Bill, because a certain kind of work is to be executed upon their property, the first thing which I have to remark is, "Very possibly that will not be the work which will be executed upon your property at all, and, therefore,

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first of all, learn from the promoters whether that is the way in which they intend to make their works."

1470. How would a landowner get the information of the particular way in which his property is to be affected?—By going to his parish deposit, and seeing the plans and sections which are there.

1471. His agent or solicitor would do that?—Or he himself might do it. There is no great difficulty for a landowner to understand a plan and section; there is the plan showing his field, and there is the section immediately underneath, showing what the nature of the line is, whether it is embankment or whether it is cutting, and therefore, so far as the intention of the promoters goes, at the time of the deposit of their Bill he gets from his parish deposit all the information which he need get.

1472. Mr. *E. P. Bouverie.*] What would you give him; merely the general notice?—Merely the general notice; the notice without the schedule.

1473. Then he would get no notice at all, or next to no notice?—Yes, he would get a notice that his field was to be taken, and he would be informed that the plan and section were deposited with the clerk of his parish, and that he would see there how his property was to be affected; and I would never have a plan upon the small scale.

1474. Mr. *Adair.*] But that would only show the work contemplated at the time when the plans were deposited?—Quite so.

1475. The Standing Orders allow so large a substitution of one engineering work for another, that a landowner may find that there is an embankment instead of some other work which was originally contemplated?—Quite so, and hence my objection to the schedule.

1476. That it misleads the landowner, whilst it does not restrict the promoters?—Yes.

1477. *Chairman.*] What is the next stage?—Then comes the deposit of the Bill; it is of course quite necessary that the Bill should be deposited, and I think it is quite right that the Bill should be deposited as early as it is deposited, and there is nothing to be saved in that respect.

1478. Mr. *Puller.*] Is not there a limit as to the height, that you must not depart from it more than five feet?—There is a limit as to the change of gradient.

1479. I mean the height of an embankment; are you allowed to change that more than five feet?—Yes, you may; what you are prevented from doing is altering your gradient beyond a certain amount. I do not remember the case, but very likely an Honourable Member present may remember a famous Scotch case, in which a landowner complained that his park was cut through by a cutting of 14 feet instead of a cutting of five feet, and he said that the railway company were prohibited from making any such deviation as that. The answer was, "On the contrary, the railway company are compelled to keep their gradient, and if that work upon the land has the effect of keeping the gradient which they are required by Parliament to maintain, they must make that work through the land."

1480. Mr. *Adair.*] The nature of the work is limited by the necessity of keeping the gradient within a certain variation?—Yes; and likewise if you have laid down upon your section "tunnel," you must maintain a tunnel; if you have laid down "open viaduct," you must maintain a viaduct; there are those restrictions.

1481. *Chairman.*] You have now got to the deposit of the Bill?—Yes. Then comes the question before the examiners as to the fulfilment of the Standing Orders. We all know that in former days that was a subject of great abuse; that in former days, before the present system was established, it was a regular part of the system that a Bill should be opposed upon the Standing Orders; if they were slight matters which had to be alleged, it was hoped that by accumulating a number of slight matters, the opponents might defeat the Bill, and if it was a great matter to be alleged, then probably enough it might defeat the Bill. It does seem to me that there must be an inquiry as to the fulfilment of the Standing Orders, and I do not believe that that can be done more efficiciently or more economically than it is now done. There are now very few memorials complaining of non-compliance with the Standing Orders, and I think that they are disposed of in the most satisfactory manner possible.

1482. Mr.

1482. Mr. *E. P. Bouverie.*] The practice has worked itself into a very satisfactory shape?—I think so; I think that futile objections are dealt with lightly, and dismissed, and I think that important objections have all the attention given to them which they ought to have.

1483. *Chairman.*] The plans must be deposited by a certain day?—Yes.

1484. Supposing, as is often the case, that these things are put off till the last moment, and that there is an imperfection, which the promoters are conscious of, but have no time to correct, is it not sometimes the case that they buy off opposition upon the Standing Orders at a very considerable amount?—Upon a very large scale.

1485. So that in point of fact the Standing Orders are very often not complied with?—Some of the larger objections on the Standing Orders, may be taken by the public; for instance, defect of public notice, defect of survey, defect of level; all that may be taken by anybody; and it may or may not be bought off. Supposing that a rival company, which is now the usual course, takes those objections, a rival company may ultimately find it worth its while to withhold its objections. But supposing that there are other classes of objection, which affect an individual, namely upon a landowner's notice, or some error in the Book of Reference, that a field is attributed to one person which belongs to another; it is an individual grievance, and may properly be compensated by an individual payment.

1486. When you have got into the House you have certain fees to pay?—We present our petition, and then comes the first payment of fees.

1487. What have you to say generally, before we go into the question as to the tribunal, upon the subject of the House fees?—I think that they are unreasonable. My opinion is, that persons who come to Parliament for a privilege, for a private law for their own benefit, ought to pay all the expenses which the State, or the Government, or the House, or whatever you think fit to call it, incurs by granting to them that privilege. I have no notion of persons coming for some benefit to themselves without their being subject to all the expense to the State which that benefit involves. But then I think that it ought not to go beyond that, and if you can find any scale whereby the cost which Parliament incurs in consequence of private legislation can be attributed to those who seek Private Acts of Parliament, then you will solve the problem. I have gone into some calculation upon that subject, having been aided by my professional brethren. It seems to me that at present the fees are quite unjustifiable. I do not see any principle upon which they can be justified. For instance, some four or five years ago the Great Northern Railway Company came for a Bill of three or four pages, whereby they asked for a million of capital; the Bill imposed no peculiar labour upon Parliament, it was unopposed, and the fees of the two Houses were 800 *l.* upon that Bill. In the case of the very Midland Railway Bill which I have just been speaking of, I have not the least doubt that the fees of the two Houses will exceed 1,200 *l.*, and they will probably amount to 1,500 *l.* This seems to me quite unreasonable.

1488. Mr. *Adair.*] How much of the 1,500 *l.* is due to this House, and how much to the House of Lords?—A larger proportion would be due to this House than to the House of Lords, because the multiplication of fees, according to the capital, is greater in this House than it is in the House of Lords.

1489. *Chairman.*] You would prefer fees proportionate to the labour which the Bill imposes upon the Legislature, rather than in proportion to the capital which is about to be raised?—Yes; but that I cannot fix, and therefore I must get summarily at the amount, and I have gone in not a very logical way to work, but I have gone in this practical way to work; I have endeavoured to ascertain what the expense is which is imposed upon the two Houses by the Private Bill legislation. I believe that it costs the House of Lords somewhere about 12,000 *l.*, and that it costs the House of Commons somewhere about 18,000 *l.* That I believe is the whole. We will first of all deal with the House of Commons. It seems that the whole expense of the House of Commons and staff is 51,000 *l.* That was, I think, Mr. Jones's evidence before the Committee last year upon Standing Orders.

1490. Mr. *R. Hodgson.*] Fifty-seven thousand pounds, I think?—£. 51,000, I think, is what he says; he states that in the year 1861 there was a surplus

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out of the Fee Fund of 25,000*l.*; that is to say, that whereas the expense was 51,000*l.*, the fees were 25,000*l.* more than that, namely, 76,000*l.*; I cannot see what reason there is for taxing those who come for Private Bills to that extent; I will assume that every Private Bill which passes into an Act should pay to the two Houses a sum of 150*l.*, whether it is 150*l.* or 175*l.* I do not care, but 150*l.* is what I believe will answer all the purposes; I would let those fees be paid as they are now paid according to the stages of the Bill; not 150*l.* in one lump, but a fee upon the first reading, the second reading, and so on. It seems that upon the average of the last three years there have been 200 Private Bills passed in the year; I am excluding Estate Bills, and taking what are ordinarily called Private Bills; a certain number more have gone into Committee in the House of Lords, and have gone through all the stages except the third reading in the House of Lords and the Royal Assent; I have put down the fees upon Bills which have not passed as equivalent to the full fees upon 50 Bills which have passed; that will bring me to 250 Bills at 150*l.* a-piece.

1491. Mr. *Adair.*] Fifty have miscarried?—Yes.

1492. And 200 have become Acts?—Yes; those Bills will produce, according to my calculation, at 150*l.* a-piece, 37,500*l.*; I propose that the promoters should pay a daily Committee fee likewise; then there are the fees upon the oppositions; I propose certainly greatly to limit the fees of opponents of Bills. Those additional fees I put at 7,500*l.*, that makes together the amount of 45,000*l.*; therefore you have the amount of 45,000*l.* to set against expenses incurred of 30,000*l.*; you have a balance, therefore, of 15,000*l.* applicable to a deficiency of Bills in subsequent Sessions; beyond that, I do not see how any taxation of Private Legislation is to be justified; I do not see how you can justify the making Private Bills pay for more than Private Bills cost the Legislature.

1493. *Chairman.*] What are the fees upon an unopposed Bill?—I will suppose it to be the very lowest fee; in the Commons it is precisely 87*l.*, supposing every matter goes smoothly (but no Bill does go smoothly) and in the Lords 101*l.*; say, altogether 200*l.*; that is the minimum fee upon an unopposed Bill.

1494. Mr. *Adair.*] What capital is represented in that unopposed Bill?—Something below 50,000*l.*

1495. *Chairman.*] Without any capital at all, how would it be?—It would be the same thing.

1496. That is the lowest amount for which you can get an Act?—Yes.

1497. Mr. *R. Hodgson.*] If the Bill did not raise 10*l.* it would cost that amount?—It would; those are the House fees; then I protest that I do not see how you are to diminish the expenses subsequently.

1498. *Chairman.*] With regard to the contentious matter which goes before Select Committees of both Houses, and is there dealt with, can you propose any mode by which that matter can be more cheaply disposed of than at present, assuming the Select Committees to remain?—I think that there are matters brought before a Select Committee which need never encumber such a tribunal. I think it often happens that some minute matter, something beside the preamble, some question of clause, is raised upon a petition which need not encumber a Select Committee at all. When I say "encumber a Select Committee," I mean with all the machinery of counsel, and so forth, which the going before a Select Committee involves. My opinion is, that there are certain of those cases which might, by the consent of the parties, be perfectly well tried by the Chairman of Ways and Means in this House, and the Chairman of Committees in the House of Lords; that if both parties agreed, the matter should be referred to the arbitration of those two officers, and that those two officers would come to a perfectly satisfactory conclusion; that would somewhat diminish the labours of the Committee, and it might greatly diminish the expense both of the promoters and of the opponents.

1499. The case to which you are now referring is that of an individual, for instance, wanting some special clause inserted in the Bill with reference to his case, or for his protection; it is a matter of detail?—Yes.

1450. And instead of that being disposed of by the Committee itself, with counsel and witnesses, you would suggest that, if the parties agreed, it should be disposed of by the Chairmen of Committees in both houses, namely, Lord Redesdale

Redesdale and Mr. Massey?—I think so. It occurs now repeatedly; every agent in large practice has this sort of thing perpetually occurring to him. His client says, "Here is a thing which is no question of preamble; the facts will probably be admitted on all hands; you, the agent, go in to the Committee and try and get this clause: explain this grievance." The agent replies, "It is no part of my function; it will probably interfere with other duties of mine. I have not, and necessarily cannot, have the weight with the Committee which counsel have. You must instruct counsel." And the client finds that he is of necessity saddled with an expense of between 30*l.* and 50*l.*, and the Committee has some question before it which might perfectly well be disposed of more easily. I think that that would be a method of saving expense to the landowner and likewise to the promoters.

1501. Mr. *Paull.*] Whom do you consider your clients, the solicitors?—The solicitors.

1502. You have spoken of the individual, by whom you mean, I presume, the landowner?—Yes.

1503. Would a landowner, wishing to have a clause inserted, come direct to the Parliamentary agent?—No; it is the habit of our profession not to adopt that course.

1504. Then, your clients are the solicitors?—Sometimes it is otherwise, but it usually happens so.

1505. Mr. *Adair.*] The solicitor has more local knowledge?—Yes.

1506. And the agent puts that local knowledge into Parliamentary shape?—Yes.

1507. *Chairman.*] Generally, upon the question of the preamble of the Bill, where it is disputed whether it is necessary to have a railway from A to B, or whether there is sufficient traffic to support a railway as proposed, how ought that general question of the preamble to be dealt with?—Of course, I am warped by my professional interest, but you will make all allowances for that. It has been my duty to consider this matter for a great many years. I have been examined before Committees previously to this Committee, and I maintain the opinion distinctly that there is no tribunal which would be so satisfactory to the public as a tribunal formed of two Committees of the two Houses, and formed, as the Committees now are formed, out of those two Houses. That is a broad proposition.

1508. That is upon the constitution of the tribunal?—Yes.

1509. But with regard to the matter to be dealt with by that tribunal, do you think that the present mode of establishing the necessity for a railway, or the expediency of a railway, is a proper mode of proceeding; that is to say, by evidence as to the amount of traffic, and so forth?—The question of traffic, which used to be a large matter of inquiry before Committees, is now very much diminished. It is very much assumed; that is to say, if a Committee sees that a railway is to connect two great populations, or is going through a populous district, it does not go into those minute returns which, some 15 years ago, it used to require, of the quantity of traffic which there is passing between the points in question.

1510. Can you illustrate that by any recent examples, as compared with the railways in former times?—I remember the time when there was a class of men, which has now ceased to exist, who were called traffic-takers.

1511. Mr. *Adair.*] They were always put on the bridge and in the High-street?—Quite so, and they would come with tables of the number of carriages and the number of waggons, and the number of persons who passed a particular spot, and they would perhaps likewise come with some information as to the quantity of intercourse which there was in the shape of trade between the two places; that thing is now exploded, and wisely exploded; it became a great abuse; traffic-takers produced results which even surprised promoters at times.

1512. *Chairman.*] An existing company opposing a new scheme of railway which would be likely to compete with themselves, oppose by going into the question of the traffic of the district not being sufficient to support the two railways, do not they?—Yes.

1513. How does Parliament now deal with questions of that sort, in your experience; has it altered its practice?—No; the means of getting at the truth

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are different now from those which were resorted to in former years, but it is a perfectly legitimate thing for an existing company to prove, in opposition to the preamble of a Bill, that all the intercourse between the two places is not sufficient even to support the existing railway.

1514. I am asking you to tell us from your experience before Committees, whether the question of competition is so hotly contested now as it used to be; take the recent case of the Midland Railway Bill, which you have mentioned, which proposes a railway coming into London between the Great Northern and the London and North Western, does it not?—Yes.

1515. And competing therefore with them both?—Depriving the one, it is said, of 60,000 *l.* a-year, and the other of 120,000 *l.* a-year.

1516. How long was the Committee of the House of Commons settling that question of competition?—The Bill was before the Committee three days.

1517. Had you anything to do with the Great Northern Company when they obtained their original Bill?—I was agent for the Great Northern Company.

1518. How long did you fight the Great Northern case, which was a competing line with the London and North Western Railway?—We were 81 days in the Committee of the Commons.

1519. You were 81 days fighting the competition?—For the most part.

1520. You were 81 days in getting permission to compete with the London and North Western Company?—I am afraid that you cannot state the proposition so narrowly as that; in that case there were reports of the Railway Department, and the Railway Department set up other schemes, and those other schemes took the form of Bills.

1521. Parliament now require very much less to satisfy themselves upon the question, whether a new competing scheme would be allowed to be formed, than they used to require; they deal with the competition question more easily than they used to do?—I think that Parliament now admits more readily of competition than heretofore it did.

1522. At the time when you were fighting for 81 days, do you suppose that the Midland line coming into London between the London and North Western and the Great Northern, would have got through in three days?—No, certainly not.

1523. Then the Parliamentary Committees have very much improved, in one sense, at any rate?—That is a question.

1524. Why do you think that the Midland question now having been disposed of in three days, would have taken such a very much longer period, had it been fought at the period of the battle of the Great Northern?—I think that in former days Parliament deemed the traffic which railway companies were at the moment carrying, far more the vested interest of those companies than they now deem it.

1525. You think that they are more disposed, in fact, to admit competition between railways?—I think that they are.

1526. Do you think it desirable that that kind of objection to a proposed scheme should be heard, namely, that it will withdraw traffic from an existing line, and that the country cannot support two lines?—I do. I have no doubt that it ought to be heard.

1527. You think that it is for the advantage of all parties, the public and railway companies, that there should be a full hearing of every branch of the question?—I do; and if I may go on to say so, I believe that that full hearing can only be acquired by admitting existing railway companies to state their case.

1528. Even when the new undertaking does not impinge upon, or interfere physically, with the lands or works of the existing undertaking?—Yes.

1529. Why do you think so; for whose protection do you think it is desirable that that should be allowed?—The protection of the shareholders in railway companies, which is a protection of a very large part of the public. You have already between 300 and 400 millions of capital invested in railway property; nothing which damages that property can fail to damage what is very vaguely called the public. Destroy any particular branch of that property; destroy any very great portion of that property, such as the London and North Western Railway, or impair its profits, and you inflict an enormous injury upon a very large class of persons.

1530. But

1530. But you say that Parliament has nevertheless been moving in that direction?—But I have never said that it has moved wisely in that direction.

1531. Mr. *R. Hodgson.*] Take two railway companies, each of which has termini at some distant points, and which are competing with each other, one of those railway companies proposes to shorten or to improve its line, in such a manner as to make its own line better than before; do you think that in that case a railway company ought to be allowed to appear, in opposition to its rival, in order to prevent its improving its own line, because it will damage the rival?—I take your proposition in its exact terms, and I say that I think not.

1532. In that case you would exclude evidence by the rival company?—I would.

1533. Mr. *Puller.*] Would you exclude evidence?—I am perhaps a little rash; what I mean is this, that whereas a Standing Order of the House of Commons now authorises the Committee to exercise their discretion, with reference to hearing parties upon competition, if I were a member of the Committee, I would not hear that party upon the subject of competition.

1534. Mr. *R. Hodgson.*] In your judgment, the Committee ought to refuse to hear a rival company in such a case as I put?—Yes.

1535. Mr. *Adair.*] Only on the ground of competition?—Only on the ground of competition. The Honourable Member, as I understand, supposes that there is no physical interference with the existing railway.

1536. Mr. *Puller.*] Would you deny the existing Company a *locus standi*?—I would leave them as the Standing Order now leaves them, namely, to the discretion of the Committee to be heard or not heard, and if I had to exercise my discretion I would not hear them.

1537. *Chairman.*] When you have got a Bill through the Committee of the House of Commons, it sometimes happens that that same Bill is opposed in the Select Committee of the House of Lords?—Just so.

1538. An opposition which has failed in the Commons is attempted in the Lords, and the same battle has to be fought over again?—That is so.

1539. As a matter of experience, do you find that it takes less time to fight it in the Lords than it does in the Commons?—Usually far less.

1540. And yet it is the same thing?—No, it is not exactly the same thing.

1541. In what does it differ?—Probably, and almost certainly, the Bill has been somewhat modified in the Commons.

1542. Where there is a strong opposition to a new line, that opposition having failed in the Commons is renewed in the Lords on pretty much the same grounds; have you known cases where the same battle has been fought in the Lords which had been previously fought in the Commons?—Repeatedly.

1543. Does it take less time to fight that battle in the Lords, than it did in the Commons?—It usually takes fewer days.

1544. Why does it?—Partly because the Lords' sittings are much longer than in the Commons; they begin at 11 o'clock, and they remain until four, at least. That is a great deal more than an addition of one-fifth to their sittings. Every honourable Member who has presided over a Committee knows very well that an extra hour is a great deal more than the proportion of time; that is one reason why fewer days are occupied; another reason is that there are probably much fewer parties who are opposing the Bill. It very seldom happens that a Bill is opposed by only one party; it usually happens that there are a number of other oppositions upon any great measure as well as the main opposition of perhaps a rival company.

1545. Mr. *Adair.*] That is to say in the House of Commons?—Yes; in the House of Commons that almost always happens; but it almost always equally happens that a great number of opponents are disposed of, and do not renew their opposition in the House of Lords, either because they have obtained clauses satisfactory to themselves or such clauses as they must acquiesce in.

1546. *Chairman.*] In dealing with the opposition which still remains when the Bill has got up to the Lords, comparing the time which it takes to dispose of it there with the time which it took to deal with it in the Commons, which is the longest?—I think that usually it is longer in the Commons; but that may be accounted for by this, among other reasons, that a quantity of collateral matter is very often introduced in the Commons, of which the irrelevance is seen by the time the decision is given.

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1547. Mr. *R. Hodgson*.] Supposing that an opposed Bill begins in the House of Lords, does it in that case generally take as long before the House of Lords Committee as if it had begun in the House of Commons?—It does not occupy so many days, for the reason which I have mentioned, but the inquiry is as long.

1548. The constitution of the Committee in the House of Lords, or the mode of proceeding before the Committee of the House of Lords, does not diminish the time, but under the same circumstances the length of time consumed would not, in your opinion, be about the same?—If all the circumstances are the same, the result is the same.

1549. I ask you again, does the constitution of the Committee in the House of Lords, as compared with constitution of the Committee in the House of Commons, or does the mode of proceeding in the House of Lords as contrasted with the mode of proceeding in the House of Commons, in your opinion, affect the length of time which is consumed in the inquiry before either House?—For some reason or other which I cannot state, for really I do not know it, I think that less irrelevant matter is introduced in the inquiry in the House of Lords than is sometimes introduced in the House of Commons.

1550. In that respect does the mode of proceeding in Committees of the House of Lords appear more desirable than the mode of proceeding in the Committees of the House of Commons?—I cannot answer that question, because theoretically the mode of proceeding in both Houses is precisely the same. It arises from various causes, which I cannot particularly specify, but according to my observation I think that the inquiry in the House of Lords is usually more closely restricted to the question at issue than it sometimes is in the House of Commons.

1551. Mr. *Adair*.] But in the case of Bills going up from the House of Commons, is not that question usually some particular point of the case, rather than the merits of the scheme as a whole?—In the case of Bills going up from the House of Commons, there is this other reason, namely, that the preamble of a Bill having been affirmed by the House of Commons is so much undoubtedly in its favour, and the opponents to such a Bill begin with a prepossession against them; it is taken as a fact in the case that after careful investigation by a Committee of the House of Commons the statement in the preamble has been affirmed.

1552. Consequently the merits of the case are not so liable to re-investigation and re-opening?—They are equally liable to it, but liable always with that kind of prejudice against those who re-discuss the question.

1553. Mr. *R. Hodgson*.] You quite understand that my question applied to a Bill initiated in the House of Lords?—Quite so.

1554. *Chairman*.] With regard to the expenses of carrying an opposed Bill through a Committee of the House of Commons, do you think that those expenses are at all at the discretion or control of the suitor?—They are almost entirely under his control. We have already disposed of the House fees, and I will not recur to them.

1555. Are the expenses under the control of the suitor; can he have his business done economically if he pleases, with any prospect of success?—Yes.

1556. Will you explain that; with regard to the retention of a number of counsel, and with regard to other matters, can he so control his expenditure as to bring it within a reasonable compass?—Inasmuch as Railway Bills are the greatest matters now discussed before Committees, one's mind is naturally devoted to them; but I will suppose another kind of Bill, for instance, a Drainage Bill; it was but last Session that a very important Drainage Bill was conducted through both Houses entirely without counsel; the Committee knew perfectly well that the expenses of that Bill were to be defrayed by ratepayers. In opening the Bill it was my duty to state that fact to the Committee, and the Committee very courteously and attentively heard that Bill, although there were no counsel employed. There is no rule of the House which requires that counsel should be employed.

1557. Was the Bill to which you refer opposed?—The Bill in question was opposed; it was opposed by a local solicitor.

1558. He appeared himself?—He appeared himself; he asked leave, although not an agent, to appear instead of his agent, and the Committee very kindly said, "Your agent cannot know the local circumstances so well as you do, and we will hear

hear you," and he was heard. I mention that case only as an instance in which a Committee, in particular circumstances, will hear an agent as readily as counsel.

1559. Mr. *Puller.*] The solicitor was not the petitioner?—He was not himself the petitioner; but the petitioner himself may be heard, and I have over and over again seen petitioners themselves come forward, and manage their own case, and they have been listened to with the utmost courtesy by the Committee.

1560. *Chairman.*] I suppose you mean us to understand, that suitors incur these great expenses of retaining a number of counsel, and so forth, of their own free will, because they think that the question at issue deserves that expense?—It is no doubt so.

1561. You think that a man might have a fair chance of getting his case through a Committee, even if he appeared himself, without employing counsel?—Yes; I would never recommend a client to do it; I would never undertake the task myself, if I could avoid it, although it would be my duty if it were imposed upon me.

1562. You do not think that Committees would be indisposed to hear the principals themselves, and to do justice between the parties just as well without counsel as with them?—I think that Committees would look with great reluctance upon any but a skilled advocate who opened an opposed case; but petitioners, I verily believe, would be listened to by Committees just as attentively if they had a good case as though they employed counsel.

1563. Why should the Committee look with suspicion upon anybody but a skilled advocate. I should think that a skilled advocate would be more likely to mislead them than a party stating the plain facts of the case?—It is not that, but a skilled advocate examines witnesses better; nobody but a skilled advocate can cross-examine witnesses well.

1564. In an ordinary case, even although opposed, does it appear to you necessary to make the opening speech which the counsel does, in order to prepare the minds of the Committee?—Indeed, it does. I have heard complicated cases (and many of these cases are very complicated) opened by Mr. Serjeant Wrangham which were intelligible at once to the Committee after his opening, and which would never have been intelligible if they had only been introduced by the examination of witnesses.

1565. It is only, I suppose, after all, in a limited number of cases that suitors are able to control the expenses?—I think so. Great companies deem it worth their while, considering the vast interests which they have at stake, to retain eminent men as their constant advocates, and that is not at all peculiar to this tribunal. The Bank of England has its advocates, the East India House gave its general retainer to certain advocates in each court. If there are great interests involved, the persons who are the trustees of those great interests, namely, the directors, will necessarily retain for themselves the best advocates they can find.

1566. Mr. *Paull.*] It is a privilege which is granted to appear by counsel, is it not?—It is.

1567. With reference to the House fees, I understand you to say that you think that parties ought to pay to the fee fund according to the trouble which they give, and the length of time which they occupy?—No; I said that that would be the only just method of measuring the payment which they should make, but that I could not arrive at it, and that therefore I had jumped at the sum of 150*l.*, going not very logically to work, but getting at the necessary expenditure, and then providing for it.

1568. In default of being able to settle it in that manner you put an arbitrary sum?—Yes; with the exception that I charge the parties a daily Committee fee.

1569. Mr. *Puller.*] In your estimate of the House fees you give 12,000*l.* for the House of Lords, and 18,000*l* for the House of Commons?—Yes.

1570. Do you include anything for the use of the Parliamentary buildings?—Not rent, but maintenance; that is to say, the servants who are required.

1571. Mr. *R. Hodgson.*] With respect to the fees which are paid to the solicitors and Parliamentary agents, one of the main sources of remuneration to Parliamentary agents and solicitors is the fee paid upon the copies of Minutes of Evidence, is it not?—Not to the Parliamentary agents.

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1572. In the case of Scotch Bills, is it not so?—There I think that it is so; I have no Scotch Bills; with respect to Scotch Bills the Parliamentary agent, by an old tradition, is looked upon as the main person, and the local solicitor is looked upon rather as his agent.

1573. With respect to that particular fee, in the case of English Bills the solicitor, and in the case of Scotch Bills the Parliamentary agent, gets a fee of 8 *d.* per folio for each copy of the Minutes of Evidence given before the Committee, which is made for the use of the counsel and agents, and others of the litigant-parties on each side, does he not?—Yes.

1574. If there are six copies there are six eightpences paid?—Yes.

1575. Does not that in many cases amount to a very large sum which is expended by litigants before Parliamentary Committees?—Very large.

1576. Can you state at the moment the largest number of copies of the Minutes of Evidence which, in your experience, has been made on one side?—I can only get at it thus, that I have known in particular cases that four counsel have been employed; therefore there would be four copies, and I take it for granted that the solicitor has one copy, that would be five.

1577. But there are several parties engaged upon the other side, each with two or three counsel; each counsel therefore will require a copy?—Quite so.

1588. Is it within your experience that Committees frequently have a large array of counsel, 12 counsel, perhaps, employed in one case for and against the Bill?—That has sometimes happened; not frequently, I take it.

1579. In these large railway contests, is it not within your experience that frequently 10 or 12 counsel are employed on one side and the other?—Not frequently; but I think that it does sometimes happen.

1580. Where they are so employed, the number of counsel and the number of agents regulate the number of copies of the Minutes of Evidence?—Not the number of agents, but the number of counsel, and I take it the number of solicitors. I am not sure about that matter, but I take it that the solicitor usually has a copy for himself.

1581. Whatever the number of copies may be, is not that a very large item in the expense of litigants before Parliamentary Committees?—No doubt it is, if the inquiry is of long duration, but not otherwise.

1582. Is it not a large item of expense per day?—It forms a large proportion of the expenses before the Committee, no doubt.

REFORM CLUB PALL MALL

Jovis, 16° *die Aprilis*, 1863.

MEMBERS PRESENT:

Mr. Adair.	Mr. Massey.
Mr. E. P. Bouverie.	Colonel Wilson Patten.
Mr. Milner Gibson.	Mr. Paull.
Mr. R. Hodgson.	Mr. Puller.
Mr. Liddell.	Lord Stanley.
Mr. Lowe.	Mr. Whalley.

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

Thomas Coates, Esq., called in; and further Examined.

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1583. *Chairman.*] HAVE you some papers to deliver in?—The Committee will remember that I suggested a diminution of the House fees, and that I likewise stated that I had made something like an estimate of the expense of both Houses relating to Private Bills, and I was asked by the Committee to put that somewhat more into detail and to hand it in; I have accordingly prepared it. This is my proposal for the fees in the case of Private Bills, and also an estimate of the expense of the House of Commons, and likewise of the House of Lords, with respect to Private Bills.

1584. Mr. *Adair.*] You were asked how you arrived at the fact of the expense arising in the House of Lords being only two-thirds of that arising in the House of Commons, the figures which you gave being respectively 12,000 *l.* and 18,000 *l.*?—I have here the detail of those expenses, and if you think fit I can read that detail; it is not very long. I am now taking the House of Commons; I have put down all the expenses of the Private Bill Office, and I state them at 3,400 *l.* I have taken a proportion of the expenses of the Committee Clerks' Office.

1585. Are those sums obtained from a return made to the House?—They are obtained from an estimate which I have here, which is an official document, namely, the Civil Service Estimate for the year 1864.

1586. That is Estimate No. 2, is it not?—It is.

1587. Then, in fact, the sums are obtained from Estimate No. 2?—They are; I have put the expense of the Committee Clerks' Office at 2,500 *l.*, which is not jumped at, but which is calculated by me.

1588. Mr. *R. Hodgson.*] Is that Committee Clerks' Office entirely confined to private business?—No, I have assigned four of the Committee clerks to Private Bills. I have put down a part only of the salaries.

1589. Is the 2,500 *l.* applicable to Private Bill legislation only?—I think so. Then the Speaker's Counsel, and part of the salary of the Chairman of Ways and Means, and the clerks and messengers attached to those two departments, I have put down at 2,000 *l.* Then the Public Bill and Fee Office, and collection, I have taken at 1,200 *l.*. The Public Bills, of course, have nothing to do with this matter; but the same officer who has the superintendence of the Public Bill Department collects the fees for Private Bills. Then there is the copying, including stationers. I put that down at 1,500 *l.* The examiners and their clerks I have put at the full salaries, 2,000 *l.* A certain proportion of the Serjeant-at-Arms Department I have put down at 2,500 *l.* Then I have taken miscellaneous expenses, including a proportion of printing the Votes and printing the Journals. I have put that down at 2,900 *l.*, which I look upon as rather extravagant. That makes together 18,000 *l.* Then in the House of Lords I have put down the Chairman of Committees, his counsel, clerks, and messengers, at 5,000 *l.* The proportion of Committee clerks' fees, attributable

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to Private Bills, I have taken at 3,000 *l.* Journal Office, clerks of Private Bills, collectors of fees, &c., 1,500 *l.* Proportion of printing, 1,000 *l.*; and proportion of expenses of Black Rod attending Committees, and so forth, 1,500 *l.* That makes altogether 21,000 *l.*

[*The Witness delivered in the following Papers:*]

(A).

HOUSE OF COMMONS.

PROPORTION of EXPENSES of the HOUSE attributable to PRIVATE BILLS.

	£.
Private Bill Office	3,400
Committee Clerks' Office proportion	2,500
[Other Duties of Committee Clerks; Public Committees, and Election Committees.]	
Speaker's Counsel; part of salary of Chairman of Ways and Means, Clerks, Messengers, &c.	2,000
Part of Public Bill and Fee Office, and collection	1,200
Copying, including Stationers	1,500
The two Examiners and their clerks	2,000
Proportion of Serjeant at Arms Department	2,500
Miscellaneous, including Printing, part of Printing Votes, &c.	2,900
£.	18,000

(B.)

HOUSE OF LORDS.

PROPORTION of EXPENSES of the HOUSE attributable to PRIVATE BILLS.

	£.
The Chairman of Committees, his Counsel, Clerks and Messengers	5,000
Committee Clerks' fees, proportion attributable to Private Bills	3,000
Journal Office, Clerks of Private Bills, Collectors of Fees, &c.	1,500
Proportion of Printing	1,000
Proportion of Expenses of Black Rod attending Committees, &c.	1,500
£.	12,000

Note.—The House of Lords have not only public business and private business, but Appeals, and Committees of Privileges.

(C.)

PROPOSED Distribution of FEES on PRIVATE BILLS.

COMMONS.

	£.	£.
Presentation of Petition	5	
First Reading	10	
Second Reading	15	
Report	15	
Consideration of Bill	20	
Third Reading	20	
		85

LORDS.

First Reading	15	
Second Reading	15	
Report	15	
Third Reading	20	
		65
	£.	150

	PROMOTERS. *Guineas.*	OPPONENTS. *Guineas.*
Committee fee without Counsel	3	2
Ditto with Counsel	5	3

1590. Mr. *Adair.*] I think that the highest fee which is ever paid upon a Bill in the House of Lords, whatever may be the amount of capital which it proposes to raise, is about 146 *l.*, is it not?—No; the fees in the House of Lords may amount to 182 *l.*, inclusive of the Committee fees. If you will permit me, I will read what they are; they vary. Divorce and Name Bills have a single fee of 27 *l.*, added to which there is a fee of five guineas, I think, to the Black Rod, or something of that sort. Bills for charitable, and literary, and scientific purposes have a fee of 27 *l.* twice, that is, 54 *l.* Gas and Water Bills, with a capital under 25,000 *l.*, have a fee of 54 *l.*, and what is called a Bar fee of five guineas. All other Bills have an original fee of 81 *l.* Then, if they have a capital exceeding 25,000 *l.* and under 200,000 *l.*, they have an additional fee of 27 *l*; and if the capital is beyond 200,000 *l.* to whatever extent, they pay 27 *l.* more: those make together 135 *l.* Then there are Committee fees, which vary from 18 *l.* to 30 *l.*; there is a Bar fee of 8 *l.*; and then there is a possible fee on the third reading of 15 *l.* or 20 *l.* The fees may amount to 182 *l.*

1591. The same Bill which would pay in fees to the House of Commons 800 *l.*, would not pay to the House of Lords more than 182 *l.*?—That is so.

1592. Mr. *R. Hodgson.*] As contrasted with the fees of which you have just spoken in the House of Lords, any company or person coming to Parliament with a Private Bill to raise a million of money, opposed or unopposed, would pay House fees to the House of Commons to the amount of 600 *l.*?—Yes.

1593. Mr. *Whalley.*] Have you classified these fees, and do you propose to show what proportion of them is under the control of Parliament, and what are the fees which are established quite irrespective of Parliament?—Do you mean what are established by statute and what are established by the practice of the House?

1594. Yes?—I am not prepared to say, but I believe that it is entirely by the practice of the House. I do not believe that it is at all by statute.

1595. Mr. *R. Hodgson.*] It is by Standing Order?—Yes, by a table which is printed at the end of the Standing Orders.

1596. The fees paid to solicitors and Parliamentary agents are fixed by the Speaker under Act of Parliament?—They are; that is an entirely different class of fees.

1597. Mr. *Whalley.*] Does that mean that the Speaker has the power of fixing them by the Act of Parliament?—The honourable Member is speaking

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now of fees in the sense of payment made to professional persons practising in Parliament; what I was mentioning before were the fees paid to the House in pursuance of the Standing Orders of Parliament.

1598. Am I to understand you to say that all the fees which are payable in respect of these Bills are fixed by the Speaker in pursuance of specific directions by the Standing Orders of Parliament, and are the result of the Standing Orders of each House?—I am afraid that the honourable Member is mingling two things.

1599. Mr. *R. Hodgson.*] There are two sets of fees?—There are.

1600. There are the House fees, which are fixed by Standing Order?—Just so.

1601. There are also a set of fees payable to solicitors, Parliamentary agents and other persons, which are fixed by the Speaker, empowered by Act of Parliament?—Yes.

1602. Mr. *Whalley.*] The Speaker regulates those fees paid to Parliamentary agents as he thinks fit, having power to do so by Act of Parliament?—That is so.

1603. Mr. *R. Hodgson.*] With respect to those fees which are fixed by the Speaker in accordance with the Act of Parliament, I revert to what I asked you the other day; do you sometimes act as a solicitor for a Bill?—Never.

1604. You never act otherwise than as a Parliamentary agent?—Not for the Bill.

1605. Have you any acquaintance with Parliamentary agency with respect to Scotch Bills?—Yes, I have an acquaintance with it tolerably intimately.

1606. Have you acted as a Parliamentary agent for a Scotch Bill?—Not I, but my partner has.

1607. Then you can state that, in the case of Scotch Bills, the Parliamentary agent receives the fee upon the copies of the Minutes of Evidence?—I think that, of late years, there has been an arrangement between him and the local solicitor, whereby the profit from that source is divided between them; whereas, theretofore the whole sum was taken by the London Parliamentary agent, or Parliamentary solicitor.

1608. Do you know that it is generally the practice in Scotch Bills to divide the remuneration from these fees between the solicitor for the Bill and the Parliamentary agent?—Only from that one source of evidence.

1609. Take the case where the solicitor in an English Bill gets the fee, does the Parliamentary agent there share the fee?—Not at all.

1610. Then in that case the solicitor for the Bill gets the whole remuneration arising from the fees on copies of the Minutes of Evidence?—Entirely.

1611. By what means does the professional remuneration to the Parliamentary agent arise?—From a certain scale of fees determined on, I think, 10 years ago, after careful investigation by the Speaker at that time.

1612. Under Act of Parliament?—Under Act of Parliament.

1613. In your judgment, are those fees for the Parliamentary agents sufficient to remunerate him for the trouble which he has with the Bill?—I think that if he has Bills enough, they are. I think that if a man had only one or two Bills, it would be a very bad trade.

1614. Take the case of a Scotch Bill, where the solicitor does not get the fees upon the copies of the Minutes of Evidence, but where the Parliamentary agent does get them, and where the remuneration is not divided; in that case, how is the solicitor for the Bill remunerated for his trouble?—There is a great deal of mechanical work out of which his remuneration arises, and by which alone his remuneration can be made adequate; copies of the briefs especially are a source of considerable profit. In the briefs I include what are called, technically, the proofs, that is to say, the instructions out of which the witnesses are examined. Otherwise the solicitor is paid, I take it, only by the fees for his attendances.

1615. Is this remuneration subject to taxation by an officer of the House?—Yes.

1616. Is it all fixed according to a scale of fees by the Speaker, under Act of Parliament?—Yes.

1617. Is the solicitor's remuneration, in your judgment, sufficient?—I do not think that the remuneration to a Scotch solicitor, seeing the change which has taken

taken place of late years in the conduct of Scotch Bills, would be sufficient unless he had a share of the profit which is derived from the mechanical labour of the copies of the Minutes of Evidence.

1618. In the case of a Scotch solicitor, you have already told me that he does not receive that?—Pardon me, I said that in former times he did not receive it, but that of late years I believe that he receives a portion; that he divides it with the London agent. I remember the discussion, and the arrangement was made for this reason: in former days we English agents were told by our Scotch brethren that the great burthen fell upon the London solicitor or Parliamentary agent, or whatever he may be termed, and that the country solicitor was employed rather as his agent, but that the responsibility was upon the London solicitor or agent; but as the means of communication with Scotland have now become more easy, and as a solicitor comes now from Edinburgh just as easily as a solicitor in former days came from Bristol, the practice has changed, and the responsibility of getting up the case rests far more than it used to do upon the local solicitor. Hence it was that an arrangement took place, I think, between the London agent and the local solicitor, whereby the local solicitor shared in the profits derived from the copies of evidence.

1619. According to your information, it is the general practice that the fees upon the copies of the Minutes of Evidence are divided between the agent and the solicitor?—In the Scotch agency I think that it is so uniformly.

1620. But not in English Bills?—Undoubtedly not.

1621. Where is the difference?—The Parliamentary agent has very little to do with getting up the case in English Bills; the whole thing is done by the English solicitor, and all that the Parliamentary agent has to do (no unimportant duty, I hope) is to see that all the Orders of the House are complied with; that the Bill itself is so drawn as to correspond with the requirements of the officers of the House, and that all the processes within the walls of Parliament are properly fulfilled.

1622. Are these services remunerated by fees apart from a fee upon the copies of the Minutes of Evidence?—Entirely.

1623. And the Parliamentary agent is sufficiently remunerated?—I think that he is if he has Bills enough.

1624. Therefore, so far as the Parliamentary agents are concerned, the reduction or abolition of the fee upon the Minutes of Evidence would not affect their remuneration at all?—As regards the English Parliamentary agents, not at all.

1625. The shorthand writer receives 9 *d.* per folio of 72 words for his first transcript of the evidence, and the House of Commons requires 6 *d.* for the next copy?—That is so.

1626. And for every other copy 8 *d.* is received by the Parliamentary agent in one case and by the solicitor in the other, according as it is an English or a Scotch Bill?—Yes.

1627. Making 1 *s.* 10 *d.* for the first three copies?—Yes.

1628. We have it in evidence before us that Mr. Hansard can print and deliver from 20 to 25 copies of the evidence at an expense per folio of 1 *s.* 2 *d.*?—It may be so.

1629. Under those circumstances, do you think that it would be more convenient and more economical to the parties litigating before Committees if the evidence were printed, and if copies were delivered at that price by Mr. Hansard, in place of paying these remunerating fees to the agents and solicitors?—Perhaps you will eliminate the words "Mr. Hansard," and put the mere proposition of "printing."

1630. In the first place, do you think that it would be more convenient that the evidence should be printed?—I think that if it could be in the hands of everybody as soon as it now is it would be more convenient.

1631. If 20 copies could be delivered at the price of 1 *s.* 2 *d.* as compared with 1 *s.* 10 *d.* for three copies, in that case do you think that it would be a great saving to the litigants, if the plan of printing 20 copies for 1 *s.* 2 *d.* per folio for the whole number were adopted in place of the present system of paying 8 *d.* per folio upon each of the copies which are required?—Manifestly.

1632. It is a manifest saving?—It is a manifest pecuniary saving.

1633. Whatever may be the practice, does the present system hold out an inducement

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inducement to Parliamentary agents and solicitors to multiply the copies of evidence to be handed to the litigants on each side?—That involves moral reasons and a variety of questions. If a man has nothing to do but to look to his profits wheresoever and howsoever he can increase those profits, if that is his only consideration and the view which he has, no doubt any system whereby those profits are increased will be palatable to him.

1634. In some cases the same counsel is employed by different parties upon the same side before the Committee; two or three persons appearing before the Committee are represented by the same counsel?—Yes.

1635. In that case, according to the practice, would a separate copy of the Minutes of Evidence be made for that counsel for each party?—According to my own experience it would not; when I have taken more part in the management of a case than ordinarily falls to a Parliamentary agent, I have seen that there has been an arrangement between the parties for economizing the number of copies of the evidence, and that the same counsel has not had copies of the evidence from different parties.

1636. Did the contrary never come within your knowledge, namely, that a counsel has been supplied with three copies, or two copies of the same evidence as counsel for different parties?—Never.

1637. Colonel *Wilson Patten.*] In your experience, what is the largest sum which has been paid for copies of the evidence in any one case?—I cannot say; it does not come in the least within my purview. I do not see the solicitors' bills, and I do not at all know.

1638. Are you aware that several solicitors hold the profits on the copies of evidence to be what they have mainly to depend upon?—I know that that is their opinion.

1639. Do you think that that is for the credit of the system?—No, I do not think that any indirect remuneration for services is expedient; I do not look upon it as consistent, if I may so say, with the dignity of any person of education, that he should be paid indirectly by mechanical means of that sort. In the meanwhile so it has been from the beginning of time with solicitors; they always have been paid by the mechanical labour of their clerks, and unless you can revise the whole system, it does not seem to me (I can talk perfectly impartially upon the subject) fair that you should pick out one particular portion of that system, destroy the profits upon that portion, and not increase the remuneration from other sources.

1640. But you do yourself disapprove entirely of professional profits being made indirectly by means of copies of evidence?—The question is complicated, and therefore I do not say that I disapprove of it entirely; I do think that it is not an expedient method of remunerating professional persons.

1641. Do you think that it is possible to have any check upon the expenses of such a system?—I do not. Will you permit me to mention in the mean while, in justification of the system of multiplying the copies, a case which has occurred in the last few days within my own knowledge. The Honourable Member who presides over the Committee in question is not here, but I refer to the Bristol Docks Bill. I mention an instance, because it is the best method of making the thing intelligible. In that case I took more part in the Bill than is usually taken by Parliamentary agents; the solicitor and I determined that it was a pity to multiply the copies of evidence, and he was advised by me that the senior counsel probably never looked at his copy of the evidence at all, but that it was epitomized by the junior counsel, and that the senior counsel would not therefore require a copy. Upon the third day of consultation, Mr. Hope Scott said to me, "Where is my copy of the evidence? I had a couple of hours yesterday to look over the evidence, and I wanted to prepare myself for the reply." I told him what the facts were; he said, "You must send me a copy of the evidence; I cannot do without it." And I know that he took his copy of the evidence into the country, and that from it he is preparing himself for the reply upon that Bill.

1642. Mr. *R. Hodgson.*] That circumstance would induce one to suppose that it is of some advantage that each counsel should have a copy of the evidence?—Yes; I have come to the conclusion that I could not take the responsibility in any other case of withholding from any counsel a copy of the evidence.

1643. Would

1643. Would not that strengthen your opinion that the adoption of a system by which 20 copies could be cheaply obtained, would be preferable to the present?—No doubt it would be very convenient; but then you must always bear in mind that if it interferes with the profits which professional persons have had assigned to them as a fair remuneration for their labour after careful inquiry, as is the case here, there ought to be something like a compensation granted to them for withholding that remuneration.

1644. You are speaking now of the solicitors, and not of the Parliamentary agents?—English solicitors and Scotch Parliamentary agents.

1645. Scotch Parliamentary agents divide the fees with the Scotch solicitors?—Yes; therefore, perhaps, I speak of the matter impartially, if my judgment is worth anything.

1646. Your objection to doing away with the present system does not rest upon the interest of Parliamentary agents in English business?—No.

1647. They are remunerated without the fees upon the copies of the evidence?—They are.

1648. And theoretically the Scotch solicitors are likewise sufficiently remunerated without them?—No; theoretically, as far as I can understand, they are not, in the opinion of the profession, sufficiently remunerated without them; because, by an agreement among the members of the profession, they have had conceded to them a portion of this source of remuneration.

1649. You state that to be the general practice?—Yes, I believe it to be so; I speak somewhat diffidently upon this subject, because, as I have said before, I have never had the conduct of a Scotch Bill, but I remember the discussion which took place some six or seven years ago amongst them all.

1650. *Chairman.*] How much do you suppose would be cut off from the remuneration of the solicitor if the plan suggested by the honourable Member were adopted of having printed copies of the evidence?—It depends upon the number of counsel and the duration of the inquiry.

1651. What difference do you suppose it would make in the solicitor's bill if that plan were adopted, instead of the present plan of having copies of the Minutes of Evidence sent round to the different counsel?—I cannot tell you, for it depends entirely upon those two circumstances; if the inquiry before the Committee lasted only a single day, very little would be deducted from the profits of the solicitor; if it lasted for a multitude of days, it would make a considerable difference.

1652. What would be the proportion; a large proportion of the solicitor's bill is made up of this copying, is it not?—I take it to be so.

1653. Mr. *R. Hodgson.*] It depends upon the length of the examination, and the number of days?—The duration of the inquiry and the number of counsel.

1654. The more counsel, and the longer the inquiry, the greater the remuneration to the solicitor?—Just so.

1655. The trouble being nearly the same?—No, the trouble not being nearly the same; the trouble is certainly greater, and the distraction of a solicitor from his ordinary labours, by putting him into this court, which is outside his ordinary duties, has of course a greater influence the longer the duration of the inquiry. And again, if the inquiry lasts longer, then you must take for granted that it has been more troublesome to get up the evidence, and to sift the evidence, and to determine what witnesses shall be called, and what they shall be asked.

1656. Take this case; an expected contest is in preparation; the solicitor gets up his case, and after one day's sitting the parties compromise, and the inquiry falls to the ground; in that case the solicitor, in your opinion, is insufficiently remunerated?—I think that very often he would be.

1657. But the longer the case lasts, and the more counsel there are employed, the more remuneration he will get?—No doubt.

1658. *Chairman.*] The Minutes of Evidence are copied by law stationers, are they not?—Yes.

1659. They are not done in the solicitor's office?—No, it is avowedly a mere mechanical process.

1660. It is an indirect mode of paying him for other services?—Quite so.

1661. Mr. *Liddell.*] You have instanced a fact, which occurred recently, of Mr. Hope Scott, the leading counsel, being unprovided with a copy of the evi-

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dence, as an example of the inconvenience which would arise from the publication of the evidence not being sufficiently attainable; was not that an extreme and a very unusual case, arising entirely from the circumstance of Mr. Scott going out of town?—No, certainly not. It was before he went out of town that he asked for these Minutes of Evidence, and that I had to have another copy of the evidence made for him.

1662. It was probably an accident in that particular instance, that he was unprovided with a copy of the evidence?—He was unprovided with it, for the reason which I have mentioned; namely, that the solicitor and I determined, as a matter of economy, that we would not multiply the copies of the evidence, and we were found out to be wrong; for Mr. Hope Scott said, "I want the evidence, and cannot do without it."

1663. Is not it the leading counsel, above all others, who is entitled to a copy of the evidence, and to whom that evidence is invariably given?—It is invariably given, or pretty nearly invariably given to all the counsel. For the reasons which I have mentioned, I thought that the leading counsel would least want it; and I believe that during the extreme pressure of business, which there will be, for instance, in the House after the recess, leading counsel will have very little time to look at the copies of the evidence. The process constantly is, for the junior counsel to make an epitome of the copy of the evidence, with a careful index of it, and to submit it to the leading counsel, in order to qualify him to make a reply.

1664. Mr. *Adair*.] Then, if that be so, where is the necessity for each of the counsel, other than the junior, having a copy of the evidence?—Because all the counsel engaged in the case (and I was wrong in supposing the senior counsel to be an exception) do read the evidence, and annotate that evidence; and I have repeatedly seen, in Committees, the counsel helping each other in finding out upon that great mass of paper where a particular piece of evidence was.

1665. Why should not the junior counsel make, as the case proceeds, such notes as he considers necessary for the information of his senior on the back of his brief?—Supposing that a case lasted for six or eight days, I do not think that that would be sufficient; the very words of the witness are essential to be known, and the way in which he has qualified his answers, as all witnesses must qualify their answers, is essential to be seen by the counsel.

1666. Is it not within your knowledge that many Members of a Committee, by strict and careful attention, can, without having immediate access to the shorthand writer's notes, essentially and for all purposes sufficiently recollect the very words used by the witnesses?—Yes, I have been surprised to see it.

1667. If that be so, why cannot a junior counsel do so sufficiently, and instruct his leader?—That supposes the perpetual presence of one of the junior counsel in the room. That has its advantages, but it has great disadvantages likewise. A Committee, no doubt, profits greatly by the experience of the counsel before it, and is embarrassed greatly by the inexperience of counsel. Suppose a counsel to be only engaged in one case, or in one Group, or in a series of Groups, before the same Committee during the Session, his experience will be very much limited; he will see only the practice of that Committee, and, if I may be pardoned for saying so, perhaps the temper of that Chairman; whereas, if he is in a variety of rooms, and attends a variety of consultations upon different cases, his experience increases, and that is the better for the tribunal. It is a choice of evils, and my own belief is, that it is better for counsel to be employed in a variety of rooms, although inconvenient, than to be confined to a single room.

1668. Will you explain to the Committee how the temper of the Chairman can in any way affect a man's aptitude for the recollection of evidence, and the notes which he makes upon his brief in consequence?—It was, perhaps, indiscreet in me to use that phrase. When I said the "temper of the Chairman," I did not say so with relation to the making of notes, but the experience to be acquired by the advocate. We know perfectly well that a man who is confined to one particular court, and one particular judge, somehow or other modifies his practice according to the views and prepossessions, perhaps, of that judge—so it is in Committees of Parliament.

1669. The result, then, of the arrangement is, that at the expense of many clients, a junior counsel is supposed to obtain professional experience?—I would rather

rather not be committed to inferences; I do not say that it is at the expense of the clients; it is not at the expense of the client in the long run, if the client gets a better advocate.

1670. Is it desirable for the efficient conduct of a case, that the same junior counsel should be present throughout the whole of it?—It is a very great advantage.

1671. If, therefore, that junior counsel, in order to obtain experience of the different Committees, goes from room to room, and does not constantly attend to the same case from beginning to end, the interest which he represents in that case is in so far damnified?—Yes; but, on the other hand, supposing that the man devoting himself to that particular case has a very limited experience, then I think that the client suffers as much by the inexperience of the attentive counsel as he does by the inattention of the experienced counsel.

1672. Mr. *Massey*.] You are aware that the practice of employing shorthand writers in the Courts of Common Law is quite exceptional?—It is.

1673. The course of proceeding there is for the junior counsel to take down on the back of his brief those portions of the evidence which he considers material and relevant?—No doubt.

1674. By that means his brief presents a faithful professional history of the case?—Just so.

1675. Excluding all irrelevant and impertinent matter?—I presume so.

1676. From those materials do not you think that greater facilities would be afforded to a senior counsel, on consultation, of acquiring information as to the state of the case than from having to wade through a vast mass of matter relevant or irrelevant, which it is, of course, the duty of the shorthand writer, exercising no discretion, to take down?—I think that that would be so.

1677. Did I rightly understand you to say, and do you mean to adhere to the opinion, that it is of more importance that the note of the evidence should be fuller in Committees of the Houses of Parliament than in the Courts of Westminster Hall?—I do, for this reason: that in the Courts of Westminster Hall it seldom, I presume, happens that the inquiry spreads over many days; it is concentrated in a much smaller space of time; and then the recollection of all parties is more precise, and the means of checking the note of the counsel is more easy. In Parliament, on the other hand, inasmuch as the inquiry lasts long, in the case of a representation by one counsel that a witness had said so-and-so being contradicted by another counsel, it would be very difficult to have that verified by the one or the other.

1678. Mr. *Adair*.] How so, if you had a copy of the shorthand writer's notes for the use of the Committee ordered by the authorities of the House?—The Honourable Member did not suppose the case that there was any such document; if there is such a document, it relieves me from that objection.

1679. I have assumed throughout that there is to be one copy for the service of the Committee, which is laid on the table of the House simultaneously with the report made to the House; that is sufficient reference, is it not, for all cases of dispute concerning the *ipsissima verba*, used by a witness?—Yes, that removes an objection which I made to the Honourable Member's suggestion.

1680. Mr. *Whalley*.] What is the cost of copies of the evidence; what is the profit which a solicitor gets?—I think that the cost of the copy is 2½*d*. per folio.

1681. Is it not a penny; will not a law stationer make as many copies as you please for a penny per folio?—No; inclusive of the paper, it is 2½*d*.

1682. I understood you to say that, not merely the interests of the solicitors employed, but the legitimate rights which they have for the proper remuneration of their services, are to a very considerable extent in antagonism in this Court with the interests of their clients?—That is a very large method of stating the proposition.

1683. Then I will state it in detail; we will suppose that a solicitor has a case in hand, which takes him a considerable time to get up; he comes to this Court, and, as has been suggested, by a compromise, or something of that kind, the matter is disposed of in a day or two, instead of extending, as he might by precedent anticipate, over as many weeks; he would be a loser by that, would he not?—No doubt; in this, as before all tribunals, the professional man who profits by litigation loses probably by compromise, but yet one always sees

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that professional men do recommend compromises in spite of the loss of the profits of litigation, and often in spite of their clients.

1684. By the same rule, if he has three counsel he will get more profit than if he has two?—Undoubtedly.

1685. And that would be a means to some extent of guaranteeing him against loss; he might allege it as a justification against possible loss by the premature closing of the case, to have three counsel instead of two?—Certainly not.

1686. It would have that effect?—It might have that effect; but you say that he might allege it.

1687. Again, with respect to this court of Parliament, there is a separate class of professional men called Parliamentary agents?—There is.

1688. Do you know, in any other court, anything analogous to that, requiring the intervention of separate persons, involving, therefore, separate expense?—Frst of all, I deny that it involves extra expense. In the next place, there is the case of the proctors, and those who attend the Admiralty Court. But practically, almost all legal business is divided among different classes of practitioners. There are plenty of houses in Lincoln's Inn which will not take any Common Law business; there are some that even will not take any Chancery business, but hand the Chancery business over to agents; and there are some again who confine their practice not professedly, but practically, to the criminal courts.

1689. That of course is for their own convenience; it does not affect the clients; but what I wish to put to you is this, is it not the case that amongst other inconveniences attending the present system of Parliamentary jurisdiction it has given rise to, and necessitated the employment of, a separate class of professional men other than would be necessary if the matters could be transacted in the more ordinary manner in which judicial business is transacted. For instance, if a permanent court were established under the Board of Trade, for inquiry into these matters, and generally superintending the ascertainment of the facts necessary for the legislation of Parliament, might it not be expected that solicitors would be enabled to transact that business without the intervention of another class of professional men, as they do now with the Enclosure Commission, and with all the other departments?—That would be a mere matter of convenience; it would be a mere question for the solicitor if he was a man of large practice whether he would distract himself from his other business for the purpose of attending the particular court to which you seem to allude; I think that probably such a court as that would have its particular class of practitioners, although I do not know, I am sure.

1690. As the remuneration to the solicitors depends upon the copies, and the number of copies depends upon the number of counsel employed, and the number of counsel results from there being many tribunals to inquire into Private Bills, sitting at the same time, would it not strike directly at the root of this expense if there were one tribunal instead of many to take cognizance of these matters?—Yes, it might perhaps diminish that part of the expense which arises from counsel being required in various rooms at the same time; but on the other hand, you will remember that you must have a separate class of fees, and that that which is much complained of, namely, the amount of the counsel's fees, must be maintained, because you would be confining the counsel, according to your own hypothesis, to that particular court, and therefore they must be paid a peculiar rate, because they would devote themselves to that court.

1691. I wish to refer to your observations as to the necessity for counsel studying not merely the merits of their case, but also the temper, by which I understand you to mean the inclination of the mind of the Chairmen of the several Committees?—I did not say that.

1692. I understood you to say that it was of some importance to his client that the counsel should acquire a knowledge of the temper of the Chairman?—Pardon me, I said that men habituated to practise before a particular tribunal, or a particular judge, naturally accomodated themselves to the particular views, and even to the temper of that judge, and that that was an evil.

1693. I understood you to say that it was a part of the duty of a counsel to his client to observe and to watch the temper of the judge by whom the case was being adjudicated?—If I left such an impression upon your mind, I left it entirely erroneously; not only did I not intend to say such a thing, but acording to my own recollection I did not say it.

1694. Do

1694. Do you not think that it is quite reasonable that he should do so?—That is entirely another question; I do not think that it is reasonable; I would rather not be pressed upon this matter.

1695. I understand you to say that the present system of inquiring into the merits of Private Bills is, upon the whole, satisfactory?—I think it eminently satisfactory.

1696. Calling your attention to the peculiar feature of it, which consists in each particular Committee having to decide *pro hác vice* upon the question before them, is there not an inconvenience attending it in this respect, that in the first place that Committee has no advantage from past experience, and that in the second place they have no obligation upon them to be reminded in future cases of the decision which they have given upon that occasion, these being the characteristics of ordinary courts, namely, that they have the benefit of experience, and that they are themselves bound by their own antecedent decisions?—First of all, I affirm that the Committees upon Private Bills are bound by precedents, and are cognisant of those precedents, and almost uniformly follow those precedents; that what is called want of uniformity in Committees, is a phrase which, I believe, has no real application or meaning. I affirm that the same facts being produced before two Committees, the extreme probability is that they will decide in precisely the same way; and that what is alleged against Committees, namely, that they are not uniform in their decisions, comes to this, that the facts differing, the conclusions differ; hence, if in one room an amalgamation is permitted, and in another room an amalgamation is refused, that does not prove that there is any want of uniformity in the decisions of Committees, because the facts in the one case may be very different from the facts in the other. Nay, again, that the same amalgamation should be permitted in the year 1863 which was refused in the year 1860, does not in anywise argue that there is any fickleness in the tribunal, or any want of uniformity in their decisions, because there may have been in the meanwhile all sorts of intervening facts which may have rendered an amalgamation expedient in the subsequent year, which was inexpedient in the previous year.

1697. Then I understand you not to agree in the evidence which was given on a former occasion, in 1858, by Mr. Hope Scott; he stated, to the best of my recollection, that such was the uncertainty and want of uniformity in the administration of this justice——?—Pardon me; I doubt whether Mr. Hope Scott used the words "administration of this justice."

1698. I will postpone the question until I have the exact words which were used; you, perhaps, remember the investigation in 1853, and the discussion which took place before what was called Mr. Cardwell's Committee?—Well.

1699. Do you remember that on that occasion the absence of uniformity and the desirableness of obtaining uniformity, was one of the leading points which were aimed at in the alterations then suggested?—Yes, I remember that that word "uniformity" was used, and I never understood it.

1700. Then you think that that Committee were under a misapprehension with respect to the nature of this tribunal, and that there was sufficient reasonable uniformity?—You say "this tribunal," but the tribunal has been changed since 1853.

1701. I ask you whether the tribunal, such as it was in 1853, was fairly open to the imputation that it had not that quality of which we are speaking, namely, uniformity?—I think that before the year 1853 it was more doubtful what might be the result of the proof of certain facts than it now is. I can go no further than that; but the system has been changed since 1853.

1702. You have anticipated the next question; do you consider that the object which that Committee stated to be desirable, namely, greater uniformity in decision, has been attained since 1853?—Uniformity, so far as I understand uniformity, I think has been somewhat more attained of late than heretofore. I look upon the word "uniformity" as entirely inapplicable to these inquiries; there cannot be what is properly called "uniformity."

1703. Mr. *Adair.*] Does the nature of these inquiries permit of absolute abstract uniformity?—Undoubtedly not; it is incompatible with them. Let there be some fixed immutable law concerning this or that kind of Bill, and all progress in those vast interests would be at an end.

1704. Mr. *Whalley.*] Whatever meaning you attach to the word "uniformity,"

formity," do you consider that the object of Mr. Cardwell's Committee has been attained by the alterations which were then suggested and subsequently adopted?—Mr. Cardwell's Committee had a great variety of objects; there were a great number of questions.

1705. The diminution of expense and greater uniformity were the two leading objects as stated in 1858?—I do not think they were; I remember the five conclusions in the Fifth Report, and the five conclusions in the Fifth Report gave certain instructions to Committees as to what they should do; and so impossible is it beforehand to determine what shall be done with these great questions which arise on Private Bills, that there are very few of those recommendations which have been adhered to by Committees upon Bills; the facts varying, the conclusions have varied,

1706. Colonel *Wilson Patten.*] At the same time, at that period, one of the complaints was a great want of uniformity which caused great expense, and one of the subjects on which there was want of uniformity was in the decisions of the Committees with regard to *locus standi*?—I quite agree with you.

1707. There was subsequently to that Committee of Mr. Cardwell's greater uniformity introduced into Committees of the House of Commons with regard to the decisions of Committees upon that point?—Exactly so.

1708. There were also other practices in Committees, by which, when a number of Committees were sitting, the Chairmen gave various decisions with reference to whether a person should be allowed to take a certain course or not, and a counsel in one room was allowed to take a course which he was not allowed to do in another; I believe it is admitted that within the last few years that defect has been very much diminished?—No doubt there has been a greater uniformity of practice; not a greater uniformity of decision.

1709. How long have you been a Parliamentary agent?—Some 20 years.

1710. Do you recollect the circumstances under which the system of counsel's fees began, or have you any knowledge of them from any other source?—No; there have been only two questions with respect to counsel's fees since I have been in the profession; one was as to the fee upon the brief covering the first day, and the other was a claim of counsel to a separate retainer in the Lords.

1711. Is a fee invariably given on the brief?—There is a fee invariably given on the brief.

1712. To either junior and senior counsel there is always a fee given on the brief, as well as a daily fee?—Quite so, and a retainer.

1713. Mr. *Adair.*] In the first instance, did not the brief fee bring the counsel into the room for the first day?—Originally it did.

1714. And originally the counsel had no fresh retainer on going before the House of Lords?—Just so.

1715. Colonel *Wilson Patten.*] At the present moment, that is not the case?—That is not the case.

1716. In these later years, the system has grown up of giving a fee upon the brief as well as a daily fee?—Yes.

1717. One of the complaints against the present system of Parliamentary Committees is the enormous expense to which it puts individuals appearing before Committees; can you state to this Committee what is the least sum for which a landowner, for instance, can take his seat in a Committee to oppose a Railway Bill, if he appear by counsel?—The counsel's fee cannot be much less than 30 *l.*

1718. Will you give it to us in detail; first of all, he has to present a petition?—You want the whole of the expense?

1719. If a landowner wants to oppose a Railway Bill, and to appear by counsel, will you be kind enough to state to the Committee the process which he must go through in order to get into the Committee-room?—Of his local expenses, that is to say, the expenses to his local solicitor, I know nothing. I imagine his solicitor to come up to me, and instruct me to prepare a petition for the landowner for him to appear before the Committee.

1720. Mr. *Adair.*] Against the preamble of the Bill?—Yes. I entirely omit the local solicitor; I take it that he would not have the petition for less than three guineas; it would amount to that at least. Then there is the fee upon the deposit of the petition, which is 2 *l.*

1721. Mr. *R. Hodgson.*] Does not he pay a fee to the agent for lodging the petition?

petition?—Yes, I should charge him for that. I think that that is half a guinea.

1722. Or a guinea?—No, not for depositing the petition. Then the first day that he appears, and for every other day that he appears, there is 5 *l.* house fee. We will take it as only one day. Then come the counsel's fees (I am entirely omitting the brief, which is the local solicitor's work), which you may put down thus: retainer five guineas; the fee upon the brief of every counsel is 10 guineas. I think that you ought to put it down at 15 guineas; but call it 10 guineas; if it is upon the preamble, it will be much more. Then there is the consultation, five guineas; and the first day's attendance, 10 guineas.

1723. Is there not a charge for notice of consultation?—That is the solicitor's work; that is not mine; there is that, no doubt.

1724. Colonel *Wilson Patten.*] We have retainer, five guineas, the brief, 10 guineas, and the consultation five guineas?—Then there is the day's attendance, 10 guineas.

1725. Is not that included in the fee upon the brief?—No.

1726. Mr. *R. Hodgson.*] Is there any Parliamentary agents' fee upon the consultation?—I will come to that directly; we are now upon the fees to counsel. Then I forget how much is paid to the counsel's clerk; you may put down the clerk's fees at 1 *l.* 5 *s.* Then if the country solicitor is not versed in the matter and is not conversant with this kind of practice, he of course asks the Parliamentary agent to attend the consultation, and if so asked, but not otherwise, the Parliamentary agent charges two guineas for attending the consultation. The Parliamentary agent charges two guineas for attending the Committee.

1727. Mr. *Adair.*] That is under all circumstances?—Yes.

1728. Colonel *Wilson Patten.*] That is all?—That, I think, is all.

1729. Mr. *Adair.*] Is there any fee to the House for attendance in the Committee-room?—That is 5 *l.*, which I have put down.

1730. Colonel *Wilson Patten.*] It appears from your statement that no individual can get into one of our Committee-rooms by counsel under 47 *l.* 12 *s.*?—That is so.

1731. Mr. *Adair.*] If he is only going to seek a clause, his expenses would be rather less than that, would they not?—No.

1732. They would be the same on the first day, whether seeking a clause or not?—On whatever day he appeared for his clause he would be subject to that 5 *l.* fee.

1733. Colonel *Wilson Patten.*] I observe that in these items which you have given there is, first of all, the retainer of five guineas, then a fee on the brief of 10 guineas, and then the day's attendance of counsel, 10 guineas?—And the consultation five guineas.

1734. That is 30 guineas for the first day to counsel?—That is inevitable.

1735. And that is the case whether he is a leading counsel or a junior?—Yes.

1736. No person can appear by counsel before a Committee without giving 30 guineas to a junior counsel?—That is so.

1737. Have you any knowledge of the time and circumstances under which that system commenced?—I have not.

1738. You are not aware that the reason of the additional fee to the Parliamentary counsel was in consideration of his quitting his practice in Westminster Hall?—Undoubtedly; I know that quite well; it was upon the same principle as that upon which similar fees, I believe, are given in the Privy Council.

1739. But in the Courts in Westminster Hall, if you retain a junior counsel in a case, do you always give him a retainer?—No.

1740. Do you give him a fee for the day's attendance?—No.

1741. Then, in point of fact, with the exception of refreshers in Westminster Hall, the system of daily fees is peculiar to these Committees?—It is; and I volunteer the statement that I believe it to be very injurious to the junior members of the Bar.

1742. Mr. *R. Hodgson.*] The large fees?—Yes.

1743. Colonel *Wilson Patten.*] If the petitioner wanted to have a copy of the Minutes of Evidence, he would have to pay in addition?—He must pay his share of the expense of the House copy of the Minutes of Evidence at all events.

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The opponents' share of the Minutes of Evidence is limited to one half, which half is divided among all the opponents. It is not at all necessary, nor does it always happen that the opponents have the Minutes of Evidence.

1744. Supposing that a landed proprietor takes an objection to a railway going across the corner of one of his fields, he cannot defend his rights by counsel without, in the first instance, paying the sum of 47 *l.* 12 *s.* exclusive of his own solicitor's charges?—Just so.

1745. Supposing that an acre of ground is the quantity taken, he cannot defend that acre without paying the average purchase value of the land?—He cannot.

1746. *Chairman.*] He need not appear by counsel at all unless he chooses?—No.

1747. Mr. *Adair.*] Neither need the Parliamentary Agent attend the consultation?—No.

1748. Mr. *R. Hodgson.*] Supposing that a Bill be before a Committee, and that the Bill be divided into two parts or three parts, in that case would counsel appearing for the Bill receive separate fees upon each Bill?—That is the case.

1749. Can you tell us the worst case of that in your experience?—It occurred a great many years ago. The North Staffordshire case no doubt was the one; there was a Bill brought in, I think, by the North Staffordshire Railway Company, and for the convenience of all parties, or for some reason or other, the Bill was divided into three separate Bills; it was all opened as one case; the witnesses were all examined as for one case, and the counsel required three separate fees upon the three separate Bills; that is the strongest case which I know.

1750. You do not know a case twice as strong as that, where a Bill was divided into six?—No, I should not have thought it possible.

1751. Mr. *Adair.*] Do you know the converse of that, namely, where three Bills have been formed into one?—I have known many instances where two Bills have been condensed, if I may so say, or consolidated, into one.

1752. Have counsel received fees for two Bills, or for one Bill?—The fees would have already been given.

1753. I mean where three Bills were deposited in the House, and notices given for three Bills, which three Bills were subsequently condensed into one Bill; have you ever heard of such a case as that?—Yes.

1754. In that case, would counsel receive a fee upon the three Bills, or upon the one Bill, which was heard before the Committee?—If the Bill came before the Committee as one Bill, the counsel, I take it, would only have a fee upon the one Bill.

1755. Mr. *R. Hodgson.*] Can you give the Committee your opinion whether it would be advantageous or disadvantageous to the public if the inquiry into Private Bills were committed to one tribunal, in place of the two Houses, as at present?—I have a very strong opinion about that. I have a very strong opinion that, when you consider the importance of the matters which are involved in these Bills, or when you consider that which constantly occurs, namely, some change in the frame of the Bill as it goes before the Committee of the House, there ought to be the means of a second inquiry, if the parties think fit.

1756. Colonel *Wilson Patten.*] Which do you think takes up the most time on the average, in inquiries with regard to railways, in the examination of witnesses; is it as to the merits of the Bill itself, the engineering, or what particular?—It depends upon the particular Bill; every now and then the opponents know that the engineering is bad; that there is a long tunnel which might have been avoided; or that there is some town omitted.

1757. Does not the preamble of the Bill always state that the railway is for the advantage of the public?—Always.

1758. Do you not think that some time might be saved by confining the first investigation before the Committee to that one point, before they go into engineering?—Yes; but I think that it is always so.

1759. I mean that the reply should take place before the other portion of the case proceeds?—I think not. I think that you would accumulate the expense by prolonging the discussion; I think that one speech is enough.

1760. Supposing that witnesses were called to prove how desirable the line was, and that witnesses were then called to prove that it was not desirable, do you

you not think that that would be a wise limitation of the first inquiry?—I think not; in point of fact there is not a great deal of time now-a-days spent upon the engineering. Unless the opponents know that there is some great salient objection in the engineering there is very little discussion upon it. I speak in the presence of Members who are better acquainted with these things than I am.

1761. Mr. *R. Hodgson.*] With reference to a question which I put to you just now, can you mention any late instances where the absence of a Court of Review in the second House would have caused a great difference; do you remember a Mersey Docks Bill?—The Mersey Docks Bill was a great thing; there the Liverpool town dues were taken away (whether wisely or unwisely, I have nothing to do with) from the Corporation, by the decision of the House of Commons, without any compensation to the Corporation. Then the Bill went before the House of Lords, and compensation to the extent of a million and a quarter of money was given to the Corporation; it is not for me to determine whether that was wise or unwise, but still there was that difference, and that difference was acquiesced in in a subsequent year when an Act was brought in upon the same basis.

1762. The House of Commons passed the Bill with that alteration?—Yes. Something of the same kind occurred with the town of Newcastle and its dues.

1763. Mr. *Liddell.*] Was not that effected by local compromise and not by the intervention of Parliament?—Yes; but then it was done with the dread of Parliamentary intervention. I will now take a case which occurred within my own experience. Last year three companies went for a line to get access to Hull, the Lancashire and Yorkshire, the South Yorkshire, and the North Eastern. The North Eastern succeeded in the House of Commons, were opposed by the Lancashire and Yorkshire in the House of Lords, were rejected in the House of Lords, and the result has been, that three Bills have, it is quite true, been introduced this Session, but the case has been entirely compromised, and it has been agreed by all parties that a single Bill shall be prosecuted, giving accommodation to the three competing companies.

1764. Mr. *R. Hodgson.*] Then the inference which you draw from that, is that if a Court of Review had not existed, injury would have been done to public interests?—I have no doubt whatever of it. I will give another instance, namely, the Lancashire and Yorkshire, and the East Lancashire Amalgamation Bill; it passed the House of Commons, and the House of Commons put in certain provisions with respect to the London and North Western Company with regard to other companies' traffic, and which were beneficial to the public, but these provisions indirectly affected the Midland Company who had appeared to oppose very slightly the Bill in the Commons; but they found out that they were very greatly affected by these new provisions, and they went into the House of Lords and opposed the Bill; they flung out the Bill, and the Bill was reintroduced the following year, in such a form as pretty nearly disposed of all opposition.

1765. Are you aware of the number of Bills, which having been opposed in the House of Commons, and passed in the House of Commons, have gone up to the House of Lords, and have been again opposed there?—No.

1766. Do you know at all the proportion of those Bills which have been thrown out in the second House after having been passed in the first?—No.

1767. Whatever that proportion may be, is it the fact that in the second House, important alterations are made in a Bill, which has been already passed by the first House, and that therefore although the Bill may not be thrown out, yet it may be sent back to the original House in a shape totally different from that in which it went to the second House?—Not totally different, but in some respects materially different.

1768. Therefore, in that respect the advantage of a court of review is increased more than would appear by the number of Bills which may be absolutely thrown out?—Undoubtedly.

1769. Mr. *Massey.*] Would it not be better to let the House determine whether it may be necessary to have a second inquiry, rather than leave it to the discretion of the parties?—Anything which would bring the discussion of Private Bills within the walls of the House itself, seems to me to be a great evil.

1770. That discussion necessarily arises now, when a question is raised upon

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the second reading of the Bill?—Practically, no one knows so well as the Honourable Member how very rare those discussions are.

1771. Mr. *R. Hodgson.*] If the jurisdiction of the House of Lords were abandoned in respect of the legislation on Private Bills in Committee, would not it tend to a great increase of discussion in that House upon the second or the third reading?—Undoubtedly.

1772. Would not that be the necessary consequence?—It would.

1773. Mr. *Liddell.*] And you deprecate that discussion, as I understand?—Greatly; it is full of evils, directly and indirectly.

1774. *Chairman.*] Supposing that the House of Commons comes to a decision on a Bill, and that the House of Lords comes to a different decision, why, because the one is subsequent to the other, is there a better chance of its being right?—I do not say that there is; but I do say, that all the circumstances may not be before the first tribunal, whether a Committee of the House of Lords, or a Committee of the House of Commons; and I say again, that the determination of a single tribunal, upon matters so great as those which are involved in Private Bills, would not be, in my opinion, satisfactory to the suitor or to the public; and in the next place I say, that the tribunal which first dealt with the Bill will probably, and almost certainly have introduced such alterations in the Bill, as will render it necessary that interests which have not been heard before the first tribunal, should be considered before the second.

1775. You say that you have been a Parliamentary agent for 20 years, have you observed during that time any lessening of the business, generally, of Parliamentary agents; has the number of Parliamentary agents diminished or increased?—I think that it has somewhat increased.

1776. It is principally confined to the railway business, is it not?—Yes, that is now the greater part of the business.

1777. Are the subjects which are dealt with by Private Bills very much reduced in number?—Very considerably; there are a number of matters which even when I began Parliamentary practice came before Parliament, but which are now dealt with by Provisional Orders.

1778. That must have considerably lessened, must it not, the emoluments of Parliamentary agents?—Yes, very considerably indeed.

1779. Can you draw any comparison between the state of things before the Consolidation Acts passed and at the present time, as to the charges of Parliamentary agents upon Bills?—Yes; I know that when I began Parliamentary practice, which was in the year 1843, two years before the Consolidation Acts passed, the charges of a Parliamentary agent upon an opposed Railway Bill would be pretty nearly 400 *l.*, and that arose principally from the greater length of the Bills, and from the mechanical labour of which I have spoken. Since the Consolidation Acts have passed, now-a-days the charges of a Parliamentary agent rarely amount to 250 *l.* upon an opposed Railway Bill.

1780. Then the effect of those Consolidation Acts was to cut down the Parliamentary agents' charges near one-half?—Just so.

1781. Putting aside the question of professional fees, do you think that it is for the public interest still further to reduce into general laws the subjects which are dealt with by Private Bills?—It would have very little effect upon the expense of things, and it would have this disadvantage: I am thinking now of a paper, which I had the benefit of seeing, in which it was suggested that certain clauses which are now usually put into Bills should form parts of a Consolidation Act. There are inconveniences in having them in the shape of an Act; an Act of Parliament becomes immutable, that is to say, you must obey it, at all events, and if there is a necessity for deviating from it, you must have a special clause whereby you shall deviate from that Act. Such is the case with a certain clause, as an Honourable Member present well knows, as to deviations from engineering works, which clause is now put into all Bills, because the Railway Clauses Act is found insufficient in that respect. But I would have model clauses, to which all agents should be required to adhere. Those clauses might, with the advance of knowledge, and with greater experience, be modified by the authorities of the House, and it would be a better form, to my mind, than to pass an Act of Parliament which would require that special provisions should be enacted for matters which that Act did not embrace.

1782. There was a Bill passed very recently, which enabled persons to carry out

out improvements of existing harbours and to construct new harbours, where the whole amount to be expended did not exceed a certain sum, by a system of Provisional Orders to be afterwards confirmed by Parliament?—Yes.

1783. That is being acted on to some extent; do you suppose that it has tended to diminish the business of Parliamentary agents?—No doubt it has, without, I believe, at all diminishing the expense to the promoter excepting with respect to the House fees.

1784. How is he subject to the same expense?—He has to undergo all the preliminary expenses and print his Bill, which is the thing attached to the Provisional Order, so that down to that point the cost is identical in both cases. Then he has to prove his case, and no doubt that is more economical in this respect, that he proves it upon the spot, and has not to bring his witnesses up to London; but on the other hand, if his project is contested, and he desires skilled witnesses of eminence to prove the benefit of that which he proposes, he has to bring his skilled witnesses down to the spot, and, therefore, whatever he gains by not bringing his local witnesses up to London, he loses by bringing his skilled witnesses down to the country. Then I admit that after the Provisional Order is made he is relieved from a little expense; but that expense is put upon the State; it is transferred to the tax-payer; it is put upon what is called the Government; they have their staff, which must be paid to do that for which otherwise the promoter himself would pay, and it comes out of the taxes, instead of coming out, as I think it ought to come out, of the promoter's pocket.

1785. I have heard the statement made, that many of these persons would not have attempted their improvements, if they could only have carried them out by obtaining the sanction of Parliament to a Private Bill, and that, therefore, practically, it cannot make any difference to the Parliamentary agents; do you think that statement is correct?—All that must depend upon the comparative expense of the two processes. If I want a pier, and I can get that pier for 500 *l.* instead of its costing 800 *l.*, I shall of course prefer the 500 *l.* process; it is a mere question of expense, and I do not believe that sufficient experience has yet been had to enable us to determine whether the one process is more or less expensive than the other.

1786. But as a general principle, do you not think that it is better where the public is very much interested, that persons should act under general laws, than that they should act under special and exceptional laws; and that therefore the more you can reduce the necessity for special and exceptional laws, the more you promote the general security to private interests, as well as safety in promoting schemes?—I hope that the Right Honourable Gentleman will forgive me for saying, that if the general law gives power to any department of the executive to grant that which is a privilege to individuals, I look upon it as a great evil. It is quite true that the privilege will be attained, according to the hypothesis, under a General Act, but in the meanwhile, whether it is under a Provisional Order, confirmed by a General Act, or whether it is by a Private Bill, which becomes a Private Local Act, it is a privilege to the promoter; it enables him to take land, and to do other things which his neighbour cannot do; then I say that the only fit tribunal to grant that privilege is Parliament, and not a department of the executive Government.

1787. Mr. *Whalley.*] You have stated that you deprecate the discussion of these questions in Parliament, and that you would not encourage anything which would afford an opportunity for carrying these questions before Parliament. What we are talking of, is not Parliament, but these Committees; am I to understand you, that when you say "Parliament," you mean the Committees; that these interests are so vast, that nothing less than a tribunal such as these Committees, is fit to deal with them?—Anything which forces a discussion upon a Private Bill, within the walls of either the House of Commons or the House of Lords, seems to me to be an evil; but the possibility of raising that discussion in both Houses, seems to me to be advantageous; and tribunals formed out of those two Houses, each section being responsible to its own House, each of the Members of which may be questioned in that House, respecting his conduct in the Committee, is in my opinion an advantage; but to multiply the chances of discussing the merits of Private Bills, either within the walls of the House of Commons or within the walls of the House of Lords, appears to me to be an evil.

 1788. I have

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1788. I have now the record before me of Mr. Hope Scott's evidence in 1858, to which I have previously referred, from which I will read the following portion: "From your experience before Committees of the House of Commons, are you of opinion that the decisions generally speaking are characterised by the want of uniformity?—I should say certainly. Is that want of uniformity so great as to give rise to uncertainty, and thereby to induce parties who come before Committees to contest matters which they would not otherwise do if there were greater uniformity?—I have no doubt about it; I am often consulted by parties whether they shall petition or not, and the advice that I give as often as not is this, 'It is impossible to foretell what will happen in Parliament; I can only tell you what you have a chance of; if you choose to act upon my advice as to your chances, you may do so; but I cannot tell you, first, whether you will have a *locus standi*, or secondly, whether any general principle which has appeared in the report of Mr. Cardwell's Committee or any other public document, will be supported by the Committee, before which you are going.'" And then, in answer to Mr. Gladstone, he illustrates that at considerable length; do you still adhere to your opinion that when the want of uniformity is complained of it is merely that want of uniformity which must attend every tribunal where the facts of each case have different bearings?—Yes, according to my experience of the practice in Parliament, there is as much uniformity in the decisions of the Committees as is compatible with the nature of the inquiry; and I, for my part, have no difficulty whatever in recommending my clients either to pursue or to abstain from opposition in consequence of any want of uniformity in the practice; the difficulty of advising my clients being this, that the whole is a matter of opinion, the question for the Committee to determine being an opinion as to whether a thing is fitting or not fitting to be done, according to certain facts to be proved to them.

1789. You have mentioned that since you became a Parliamentary agent, a considerable proportion of the business which was formerly under your cognizance for Parliamentary purposes, is now dealt with by Provisional Orders; can you point out any inconvenience which has resulted to the public, or to private interests, in any case in which the Provisional Order system has been substituted for the Parliamentary system?—The Provisional Orders of the Board of Health, which was the source of all this practice, and the practice of the Board of Health in the preparation of those Provisional Orders, were found to be so objectionable, that the Board of Health was abolished by public acclamation.

1790. The result of that, I believe, was, not the restoration of those powers to Parliament, but the adoption of some system in correction of the system of the Board of Health, was in not?—Yes.

1791. Has not that righted itself; does not the present system work satisfactorily?—I do not know; it is not within my own knowledge. I know that the system of the Board of Health is greatly modified by the Local Government Act. According to my experience of that Local Government Act, I believe that it has worked rather advantageously, than otherwise.

1792. Then in the case of the Board of Health, which was one instance of Provisional Orders, and where the experiment was, in the first instance, very unfortunate, you are not aware but that the correction which has been applied to it has worked satisfactorily?—I cannot speak to that fact.

1793. There are, I believe, many other instances of Provisional Orders besides that of the Board of Health; there are the Provisional Orders of the Enclosure Commissioners; the Provisional Orders as regards Piers and Harbours, and under the Joint Stock Companies Act; and all those matters; can you mention any single instance, except that of the first failure and subsequent spontaneous correction, as it were, of the Board of Health, in which the Provisional Order system has failed?—I do not admit a word about "spontaneous correction."

1794. It is corrected, at all events?—I am not sufficiently acquainted with the operation of the Piers and Harbours Act, nor, indeed, has it been passed sufficiently long for any one to know what the value of its operation is.

1795. Is there any other case where the system has worked badly?—The Enclosure Commission is a perfectly different matter, and it is not analogous to the present case.

1796. Do you know any instance in which powers having been transferred from

from Parliament and carried out by any other means, Provisional Orders or otherwise, any complaint or inconvenience has arisen except in the single case of the Board of Health?—I do not know.

1797. Mr. *Puller*.] With reference to the second hearing in the House of Lords, in your experience, does it often happen that there is fresh evidence brought before the Committee of the House of Lords which has not been brought before the Committee of the House of Commons?—Sometimes.

1798. Often?—Not often, unless by the petitions before the House of Lords some new issue is raised.

1799. That, I presume, would generally be by the opponents to the Bill?—If the opponents to the Bill raise some new issue; then, of course, that issue will have to be rebutted by anticipation by fresh evidence.

1800. Where that is not the case, do you see any objection to the Committee of the House of Lords deciding upon the evidence which has been given before the Committee of the House of Commons, if they have printed copies of the minutes?—No; I think that if the issues raised before the House of Lords are precisely the same as the issues raised before the House of Commons, the things proved before the House of Commons might well be taken as proved before the House of Lords, if the House of Lords thought fit.

1801. Generally speaking it is rather a fresh discussion of the same evidence than bringing new evidence to bear upon the question?—Yes.

1802. In that case there would be a considerable saving of expense and time?—No doubt.

1803. You have been asked whether the judgment of the second Committee is likely to be more correct than the judgment of the first. Is not the question really this, whether a decision in which two Committees concur is not more likely to be correct than a decision which has only the sanction of one Committee?—Yes; and besides that it is pretty sure, if not to be satisfactory, at all events to be concurred in by the promoters and the opponents.

1804. You have told the Committee that upon the whole you do not approve of the present mode of remunerating the solicitors by the cost of the copies; have you ever considered any other method which could be substituted for it?—No, and I cannot devise one.

1805. Have you endeavoured to do so?—I have endeavoured to do so. I think that the whole system of remunerating that class of professional men must be changed if you interfere with any part of that system.

1806. Mr. *Massey*.] With reference to the double inquiry, you are aware that the Chairman of Ways and Means has the power of referring back an unopposed Bill to the Committee of Selection if he thinks that it involves matter which ought to be the subject of controversial inquiry. Do you think that the Chairman of Ways and Means might be fairly entrusted with an enlarged discretion; that where a case had been before Parliament, and had been heard by a Committee of the House of Lords, he should determine whether it was a proper case to be heard over again by a Committee of the House of Commons, either with reference to the whole case or with reference to a part of it?—No, I would not entrust any individual whatever with such a discretion as that. I will illustrate the point by the very case which I mentioned on the former day, namely, the Midland Railway Company deeming it expedient to spend two or three millions of money in coming into London; they are opposed; their Bill passes the Committee of one House; would it be safe to entrust to any individual the decision of the question whether that Bill should or should not be re-discussed, involving as it does, directly, 60,000 *l.* a-year to one company and 120,000 *l.* a-year to another company, and the removal, perhaps, of 7,000 persons from their abodes?

1807. I will answer your question by another. Do you suppose that any Chairman of Ways and Means would think of exercising his discretion in such a case as that by deciding one way?—I would rather not entrust any man with that discretion. These contests are not pleasing to companies; they are becoming less and less pleasing to them, and companies are more and more avoiding, whether by compromise or by other means, these expensive contests in Committees, and I do not think that they would involve themselves in a renewed contest unless they believed that the thing was worthy of it.

1808. Mr. *Liddell*.] Then you think that the actual expense attending Parliamentary proceedings of this nature has its advantages?—I have no doubt of it.

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it. I know how unpopular such an opinion is, but my own opinion is, that the expense of Parliamentary proceedings puts some check, though not, I think, a sufficient check upon bad projects. That is a subject upon which I have not been at all examined, and I do not know whether I ought to volunteer any evidence upon it.

1809. *Chairman.*] It perhaps puts a check also upon good and useful projects?—Yes.

1810. Mr. *R. Hodgson.*] May not a landowner be deterred by it from defending his just rights?—No doubt.

1811. Have you not known a landowner's opposition choked off?—No question of it.

1812. By repeated applications?—No, not by repeated applications; I have been recently reading over the examination of a professional brother of mine, Mr. Pritt, and I have been trying to recollect cases in which the same Bill has been brought on again and again, and they are very rare indeed.

1813. Mr. *Adair.*] Do you consider the House of Lords a Court of Appeal?—It is a Court of Appeal in this respect, that it re-hears a matter which has already been decided upon; it is not a Court of Appeal in the same sense as Judicial Courts of Appeal are Courts of Appeal, inasmuch as they are confined to the same evidence which has been heard by the Court below; the House of Lords is not confined to any such evidence at all.

1814. The House of Lords is a court of co-ordinate jurisdiction, because it can entirely put a stop to the subject referred to it; it is a court of co-ordinate jurisdiction with the court from which the business comes?—Yes.

1815. Is it not a great anomaly that there should be two courts of co-ordinate jurisdiction reviewing each other's decision?—Will you forgive me for questioning that word "anomaly."

1816. Does any other form of jurisprudence afford the instance of two courts of co-ordinate authority which review each other's decision?—No; the one is supreme and the other inferior, no doubt; there is that distinction, but the re-hearing is common to both cases as to the subject matter which is re-heard.

1817. Do you think that the railway business of the House is increasing either in amount or in importance?—I know that in this particular Session there are more Railway Bills than there were the Session before last, and therefore in that sense it is increasing; I do not think that it is increasing in importance.

1818. *Chairman.*] Mr. Puller asked you whether there was not a greater chance of a wise decision having been come to when the Committee of the House of Lords agreed with the Committee of the House of Commons than if a decision had been come to merely by a Committee of either House; what was your answer to that question?—I acquiesced in it.

1819. When the two bodies disagree, as in the case where the Lords throw out the preamble of a Bill which the Commons have passed, and which, in fact, is fatal to the Bill, why should you prefer the decision of the House of Lords to the decision of the House of Commons?—I am afraid that we can only treat it as one does the unanimous decisions of a jury.

1820. Practically, when the House of Lords throw out the preamble of a Bill which the House of Commons has passed, the decision of the one body is paramount to the decision of the other, because it is final?—No doubt.

1821. Why should that be?—Because the question being, whether a certain thing is expedient to be done, it seems to me that if both parts of the Legislature do not agree upon that expediency, the thing had better not be done.

1822. Then, you would apply to a Private Bill the same principle which you apply to a public law?—Just so.

1823. You would have concurrence, or you would consider that a case has not been made out for giving the parties applying the special privilege which they ask?—Yes.

1824. The parties can come back another year, and try again?—Yes.

1825. Mr. *Whalley.*] You have made a very important statement, namely that the expense attendant upon the present system may be expedient in choking off bad projects; will you be good enough to explain to the Committee what you mean by the inconvenience attending bad projects; what is the inconvenience; who is injured by bad projects, except the parties who have to pay the expenses?—The landowner whose property is to be taken is injured; there is a waste

a waste of public money. Other railway companies, interested perhaps in the traffic which the new and the bad project contemplates the taking of, are likewise injured. The time of Parliament is occupied, and the whole system is brought into disrepute.

1826. Can you give any idea of the proportion which the projects which you now speak of with so much justice as bad projects, bear to what may be called good projects, and projects which may be justifiable upon public grounds?—I cannot; I think that it would not be impossible to get at such a conclusion, but any one who arrived at that conclusion would probably conceal it.

1827. Taking all the railways which have passed in England, can you point out any one which could now be dispensed with without public injury; or, putting it in another way, any one which, looking at the result, you would say has been a bad project, and which has not been a benefit to the public?—I deem that to be a bad project, to a certain extent, which is not beneficial to those who promote it; those who have invested their capital in it; and I am afraid that a great variety of Bills are, even in this very Session, before Parliament, which have no substance whatever, and which are mere experiments.

1828. Is there any single railway which has been passed which could now be dispensed with without public injury?—I can only answer that question by stating, that I dare say that every railway which is now in existence serves some population. Whether there is a justification for the interference with private property and the outlay of capital, and the interference with certain vested interests, is a question for Parliament to determine. I think that many such railways might have been well dispensed with; and I think that it is a great thing for Parliament to prevent Bills of that sort from being introduced with the mere chance of their passing, and afterwards being mere marketable commodities.

1829. Mr. *Adair*.] Do you think that the present system of deposit prevents the inception of bad schemes?—No, I do not think that it does at all adequately.

1830. Do you think that it would do so if the amount were increased?—It might sometimes increase the operation in that direction, but there is no difficulty in getting the deposit.

1831. Do you think it more efficacious for that object, than the old subscription contract?—No; I think it is a great mistake that for new Companies the old subscription contract has been abandoned; I am quite satisfied, from my own experience, that the subscription contracts were becoming very efficacious for new Companies, but not for old Companies; they were useless for old Companies. I am satisfied that for new Companies it would be a very expedient thing to revert to the subscription contracts, and that it would be very expedient, likewise, if the very first inquiry before a Committee upon a Bill were, whether the subscription contract was *bonâ fide*, and whether there were, in point of fact, any promoters of the Bill.

1832. Do you think that it would be advantageous to the public if the old Standing Order requiring the Committee to report upon the validity of the subscription contract were re-instituted?—Yes; but then I would prescribe to the Committee that the inquiry into the subscription contract should be preliminary, and not subsequently to their inquiry into the merits of the Bill.

1833. So that a scheme might be rejected simply on its financial merits, instead of on the general merits, as proposed in the Bill?—I believe that that would be very beneficial to the public, and would tend to relieve both Houses of Parliament from many Bills which ought never to be introduced.

1834. It would be protective to other and wholesome schemes, and would, in fact, entirely preclude a speculative and reckless production of railway schemes?—I think so.

1835. Mr. *R. Hodgson*.] Could not that nquiry be well conducted by the Examiner on Standing Orders?—It might, no doubt.

1836. With more economy?—It might.

1837. Mr. *Adair*.] But would the House, in your opinion, assent to an inquiry of that sort, which goes to the vitality of the measure, being conducted by two of its officers, rather than by a Committee constituted from itself?—I would prefer its being done before the Committee, because it gives more publicity to the whole thing, and I think that it would be more satisfactory. I would not make the report of the Examiner conclusive; I would make it a

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report in detail, which should be laid before the Committee, and dealt with by them before going into the merits of the Bill.

1838. Mr. *R. Hodgson.*] Would not nearly the same purpose be answered if the matter were examined into by the Examiner, and reported to the Standing Orders Committee in the first instance?—Yes.

1839. Expense and time would be thereby saved?—Yes.

1840. And justice would be done?—What I deem justice would be done.

1841. Mr. *Puller.*] If that matter was entered into by the Committee on the Bill, briefs must be delivered to the counsel, and all that expense must be incurred?—Just so.

1842. Mr. *Whalley.*] What you mean, I apprehend, by a substantial case and a *boná fide* subscription is, that the persons are prepared to pay up what they subscribe for?—Yes, and that that sum should be an adequate sum to test the existence of real promoters.

1843. In the present state of matters, supposing that a line from A. to B. is projected and brought before persons in the district, it must be, I apprehend, a matter of great uncertainty what will be the expense attending the passing of it through Parliament, apart from the mere risk of the result?—No doubt.

1844. Do you not consider that that expense, coupled with the risk of the Bill not passing, is a very considerable element for the consideration of landowners and others who might naturally be expected to support the line?—No doubt.

1845. Would you not, as the solicitor of the landowner, say, "If you subscribe, and incur the risk of this, it is a very considerable risk?"—No doubt.

1846. Do you not think that that is the case to such an extent as to deter landowners from supporting, in the way you suggest, useful projects?—I did not suggest landowners.

1847. *Boná fide* persons?—Just so.

1848. Practically, the present mode of overcoming that difficulty, I think you have suggested, is, that schemes are got up by what you call speculators: engineers and contractors?—I assure you that I did not say any such thing.

1849. Is it not the fact that schemes are promoted by persons who obtain the deposit money from bankers, and who have the security of doing the work to a great extent themselves; I mean engineers, solicitors, and so forth?—Yes.

1850. These persons take the risk.

1851. Is not the result of these professional persons taking the risk, that the project becomes more or less permanently under the control of such persons?—Yes.

1852. In addition to the fact, that of course they are paid well, more for the work which they do in consequence of the risk which they have incurred?—Perhaps so.

1853. Then the evil of the present system is, in the first place, in so far as it throws these projects into the hands of professional speculators?—That is to say, you tell me that there are certain professional speculators who involve themselves in these projects.

1854. In the first place, that increases the expense of the contract; the contractor of course charges more for the work when it is so initiated?—Yes.

1855. And in addition to that, the project continues for a greater or a less period under the control of these professional persons, rather than under the control of *boná fide* shareholders; it remains under the control of persons, for instance, who endeavour to make a profit of their shares, and who hold the project for the purpose of making a market of it, rather than for the purpose of carrying out what is beneficial to the subject?—Such cases occur, no doubt.

1856. Is not that a very common occurrence in the history of the new small branch railways, to which the attention of Parliament is now chiefly directed?—Yes, to which the attention of Parliament is to a certain extent directed.

1857. Having regard to those facts, do you think that the expense of Parliamentary proceedings, which I have suggested is the cause of that state of things, is a matter to be avoided?—I do not think that I quite understand the last question.

1858. My questions began by alluding to your statement that the expense of obtaining Parliamentary powers was a thing which had some advantages; I have pointed out to you, and I think you have acceded to my suggestions, some of the inconveniences attending the great expense and the risk of the system?—

But

But I do not agree with you that the results which you mention arise from that expense; on the contrary, certain of the persons whom you mention profit by that expense. *T. Coates*, Esq. 16 April 1863.

Charles Frere, Esq., called in; and Examined.

1859. *Chairman.*] YOU are Taxing Officer of the House of Commons?—I am. *C. Frere*, Esq.

1860. Many of the charges in connexion with Private Bills come under your notice, and, in fact, are subject to your revision?—They are; the charges of Parliamentary agents and solicitors in conducting business through Parliament come under my cognizance when a Bill of either the Parliamentary agent or the solicitor is taxed.

1861. Is there any compulsory taxation of these Bills?—No, there is not.

1862. Will you explain to us the mode of proceeding, and under what circumstances you exercise your taxing powers?—Either the party to whom the Bill is charged, or the agent or solicitor whose Bill it is, and by whom the charges are made, has the power of applying for the taxation, but neither party is compelled to apply.

1863. What are the charges in Parliamentary business?—The charges are regulated by the Speaker, and are laid down in a scale which is published by him in accordance with the provisions of the Act for the taxation of costs.

1864. Since the Committee of last Session you have had your attention called by the Speaker to the subject of these charges, and you have given consideration to the matter, and have prepared a report?—I have. At the close of the last Session the Speaker addressed a letter to me, calling my attention to the Report of the Committee on Standing Orders Revision, and desiring that I would take into my consideration all the charges which come under my notice as taxing officer, and prepare a report to be submitted to him at the commencement of this Session, which report I drew up and laid before the Speaker, and I believe that it is now in print before this Committee.

1865. Will you state to the Committee some points which you consider worthy of our attention in connexion with the present charges. The first which you mention in your report are the charges for copies and the multiplication of copies?—That was a point to which my attention was particularly directed by the Speaker, and undoubtedly it is a most important point, as involving the greatest amount of charge in the solicitors' bills; it is the most important item in the charges made by solicitors, and to that my attention was particularly directed, and I took it into my especial consideration.

1866. Supposing that the fee which the solicitor now receives for copies of the Minutes of Evidence and so forth were cut down, would he not replace it by additional charges in his bill, so that the whole bill would remain of the same amount?—The solicitor would have no power to make any charge which was not sanctioned by the scale of charges authorised by the Speaker. Of course it would be a consideration with the Speaker when he authorised a new scale of charges, which cut down the amount which had been previously paid in respect of copying, whether some other charges ought or ought not to be raised. But all those matters I took into my consideration; and, as far as my own opinion goes, it is expressed in the report and in the scale attached, which is now before the Committee.

1867. Has the solicitor no power of making charges except just those which are sanctioned by the Speaker?—No. The object of drawing up a scale is to regulate the charges which the solicitor should be entitled to make; he would not be entitled to make any charges which are not sanctioned by the charges included in that scale; or if there happened to be some charges (of which there are not any that I am aware of) which are not included in the scale, they would still be subject to the revision of the taxing officer as to whether they were fair and reasonable.

1868. Your proposal is, I think, to reduce the charge for copying from 8*d.* to 4*d.*?—In the case of Minutes of Evidence, it is.

1869. If other charges were increased so as to make up for the loss to any extent, the suitor would stand pretty much in the same position?—In respect of the Minutes of Evidence I have specially stated in my report that I consider

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that the solicitor is adequately remunerated by the other charges which are attached to the different items in the scale, independently of the copies of the Minutes of Evidence, and that that charge stands entirely on its own foundation as to whether he should be allowed it; I think that the charge which has hitherto been allowed is an unreasonable charge.

1870. Do you think that there might be a reduction of that fee upon the copies of Minutes of Evidence, leaving all other charges unchanged?—I do, with complete justice to the solicitor.

1871. How far would you carry it?—To 4 *d.*

1872. Why not lower?—The reason why I do not carry it lower is, because I should not be justified by any precedent in attaching a lower charge than 4 *d.* to any copy supplied by the solicitor. I have stated in my Report that if it should be the opinion of the House that the evidence should be printed, or if it should be the opinion of the House that the evidence should not be taken down at all, which has been a scheme broached by some very well conversant with the business of the House, I do not consider that the solicitor would have any right to complain of any injustice; but if he supplies the copy I think that he ought to be paid 4 *d.* for it.

1873. Mr. *R. Hodgson.*] Let me read to you this paragraph in your Report: "The Minutes of Evidence are not documents drawn by him" (that is, the solicitor); "they are not copied in his establishment; they are often very voluminous, in proportion to their importance, are copied by the stationer, and the profit beyond the sum (2 *d.* per folio) paid for the copying falls to the solicitor, without any labour on his part or on the part of his establishment being bestowed on the document; I consider that the solicitor is fully paid for his work by the charges which are attached to the several items in the list, independently of the profit on Minutes of Evidence; and that he would have no just ground of complaint if by any alteration of the proceedings before the House (either on the one hand, by printing the Evidence, or on the other, by abolishing the practice of taking down the Minutes of Evidence altogether) the right of supplying the copies was taken from him." Then you go on to recommend 4 *d.* Having heard your own words, are you still prepared to recommend that the solicitor should be allowed to supply, at the charge of 4 *d.* per folio, the copies of the Minutes of Evidence?—I have not in my Report entered into the question whether he should be allowed to supply them; but if he does supply them, I think he ought to be allowed to charge 4 *d.*

1874. *Chairman.*] Upon the number of copies you do not offer an opinion?—Yes, the number of copies is regulated by the number of counsel; each counsel is allowed a copy, and the solicitor is allowed a copy; and I have in my report recommended that the number of counsel allowed to appear for any one party should be restricted to three. The solicitors and the Parliamentary agents I believe generally agree in that opinion, that it might be done with justice to all parties.

1875. With regard to the charge for copying, if it forms so very large a proportion of the whole solicitor's bill, would not the solicitors complain very much if it was struck out, and nothing put in its place?—It is a very serious question to them, and I have treated it as such; and I did not arrive at the conclusion I did upon the subject without giving the utmost attention to the matter. I feel that it is a very serious question to them, because it cuts down their profits very greatly. The question is, whether their profits have been excessive, or whether they have not. The Committee on Standing Orders Revision last year expressed their opinion that the charges might be considerably reduced. I have gone into the subject fully since then, and have given my whole attention to it, and I agree in that opinion as far as I have expressed it in the report.

1876. Mr. *Adair.*] I understand from your report that you do not think this payment for copies a fair or creditable source of professional remuneration to the Parliamentary solicitors?—I think that it is excessive in its amount.

1877. Then it is to the amount rather than to the nature of the remuneration that you object?—I think that there ought to be a profit on copies certainly.

1878. Mr. *R. Hodgson.*] On every copy?—Yes.

1879. Take this case: reducing the fee from 8 *d.* to 4 *d.* reduces the profit of the solicitor by two-thirds, does it not?—Yes.

1880. He

1880. He pays 2 *d.* to the law stationer, and, therefore, his profit, in that case, is 2 *d.*, but in the former case it was 6 *d.*?—Yes.

1881. Therefore you cut him down two-thirds of his profit?—I do.

1882. Supposing that instead of charging 4 *d.* upon each copy you allowed him for the first copy 8 *d.* and merely the expense of the copy afterwards, do you not think that it would be just to the parties who have to pay this fee?—No, I think not; I think that if there were only one counsel and only one copy, that sum of 8 *d.* would be excessive in amount; and if a person wanted to do the thing as cheaply as possible, he would yet have to pay 8 *d.* a folio for the copy of the Minutes of Evidence if he only had one counsel, or a solicitor without counsel.

1883. But would not the solicitors themselves pay more to a law stationer for one copy than for half a dozen?—No, not excepting they had them lithographed; if they have them lithographed, the stationers will not lithograph them so cheaply under five or six copies as they will write them.

1884. With that explanation of yours, would not a solicitor have to pay more for one copy than for five or six?—Yes, if he had them lithographed.

1885. Is not it the common custom to have them lithographed?—Yes, because there are more copies than one.

1886. Mr. *Liddell.*] Why do you think that it is fair to allow the solicitor to make a profit of 100 per cent. on each copy?—It is impossible to deal abstractedly with each item of the charges in the bill of a solicitor or Parliamentary agent; it is not more than is allowed in the case of all legal documents, and it is generally considered, and I believe rightly considered, that there ought to be a profit on copies supplied by the solicitor, and that he would not be adequately remunerated for his trouble without such a charge.

1887. The argument is, that in the case of these copies of Minutes of Evidence there is no trouble whatever; they are copied by another person, and the solicitor gets them for 2 *d.* a folio instead of 4 *d*; I want to know why that is just?—I quite agree with the Honourable Member that the copies of Minutes of Evidence stand upon an entirely different footing from other copies; but my reason for not proposing that the solicitor should have merely such an amount as would pay the stationer for the copy is, that he has to a certain degree the responsibility of supplying the copies, and seeing that the copy goes through his hands as a copy supplied by him, and that there is no precedent for less than 4 *d.* being charged for a copy supplied by a solicitor, I should hesitate to attach a lower charge for the copy so supplied; but I have an opinion, which I may as well at once state, namely, that it would be much better if the Minutes of Evidence were printed. According to the evidence which was given before the Committee on Revision of Standing Orders last Session, it was stated that the Minutes of Evidence could be printed, and 25 copies supplied, at 1 *s.* 2 *d.* per folio. The fee to The House for a copy of the Evidence is 6 *d.*, and for one copy supplied by the solicitor it is 8 *d.*; therefore, leaving out of the question The House fees, which it has almost been decided ought to be reduced to a certain extent, for the same charge as the party now pays for one copy you might have as many copies as could be required to be supplied to the promoters of the Bill, and copies gratuitously supplied to the opponents of the Bill. Then as to the question, who should pay for that charge of printing the evidence: it may be a question whether the promoters of the Bill should pay it, or whether the parties who adduce the evidence should pay it; and my own opinion is that the parties who adduce the evidence should pay a sufficient fee to pay for the printing the evidence. I think that it would be a great convenience to have the evidence printed. The Members, if they wanted to refer to it, could do so much more easily, and it would be an immense convenience to counsel and parties. There is also the consideration that the evidence now being taken on oath before a Committee of the House of Commons, might be communicated to The House of Lords; and though I quite agree that evidence which is only read has not quite the same effect as evidence which is given *viva voce*, yet I think that it might tend to shorten the proceedings before that House if they had the evidence already given on the question in print before them.

1888. Mr. *R. Hodgson.*] Upon those printed copies do you still propose to pay a fee of 4 *d.*?—No; because they would be supplied not by the solicitor, but by The House.

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1889. Mr. *Massey.*] You have said that you have heard various opinions expressed as to the necessity of having any shorthand-writers' notes at all?—I know that it is an opinion entertained by some authorities very highly conversant with the business of The House, that those notes are not necessary; it is not my own opinion. I think that as there often occur cases in which the evidence taken before former Committees is referred to Committees which sit in a subsequent Session, you cannot dispense with the shorthand-writer's notes.

1890. Do you think that in cases where evidence taken before former Committees is referred to a subsequent Committee, those Minutes are ever consulted?—I think that they are, to a certain degree, the foundation for the subsequent proceedings; and the foundation would fail if you had not that record.

1891. Is it anything more than a formal proceeding?—When I was in the Committee Office I had experience of its being more than a formal proceeding, for I had to read the Minutes through.

1892. Did you get them listened to?—I cannot answer for that

1893. *Chairman.*] You propose to reduce the copying charges upon all other documents besides the Minutes of Evidence?—Yes, I think that they are high.

1894. Will you state what you propose upon that point?—I propose to reduce the charge to 6 *d.*

1895. Mr. *R. Hodgson.*] In those cases there is not a multiplication of copies?—In many cases there is not. There is now a tendency to multiply the copies, owing to the high charge of 8 *d.*; and therefore I only propose that 6 *d.* should be allowed on such a number of copies as is ordinarily necessary for the proper conduct of the case. If other copies are wanted, I should allow those copies to be supplied, if required, at 4 *d.*

1896. Your opinion is, that the high charge does tend to the multiplication of copies?—It has a natural tendency that way, undoubtedly; I do not mean to say that it has a tendency with Parliamentary agents or solicitors, more than it would have with any one else; it is the natural tendency when there is a high profit on a certain article to produce that article.

1897. Mr. *Adair.*] Where it is a source of professional remuneration?—Yes.

1898. Mr. *Puller.*] What is the ordinary number of folios of evidence taken in a day, when the whole day is occupied with evidence?—A long day would be about 300 or 350 folios.

1899. Beginning at 11 o'clock?—In four hours you might take 300 to 350 folios.

1900. Then the profit of the solicitor at the present rate of fees upon one day's evidence would be 7 *l.* 10 *s.* upon each copy of the evidence, his profit being 6 *d.* per folio?—Yes.

1901. Upon the average, how many copies do you think the solicitor for the promoters of a Bill has?—You cannot take an average, the greatest number of copies which would be supplied would be six.

1902. Four would be common?—Four would be very common.

1903. It therefore would come to about 30 *l.* a day?—It would.

1904. What difference do you propose to make in the solicitor's fee for attendance before a Committee; what is it at present?—I do not propose to make any difference, I think it is quite high enough; it is five guineas.

1905. Then if the profit upon the copies of Minutes of Evidence was taken away, his profit on the day, instead of being 35 *l.*, would be five guineas?—Yes, but I should be quite ready to put it on that ground, that a day's attendance before a Committee is not worth 35 *l.*

1906. But still there would be that alteration?—Yes; of course a solicitor would say that that money was not for his day's attendance, but for other work.

1907. Out of that 35 *l.* he has to pay his own staff of clerks, the rent of his office, and so forth, and all his professional expenses?—That five guineas a day is one of the items of his receipts.

1908. Do you think that five guineas a day for a solicitor of high standing would be too much for his own personal services?—The five guineas a day, I think, is sufficient for his attendance before the Committee.

1909. For his own personal services?—Yes, at the Committee. The five guineas a day is not all the profit which a solicitor would make in a day.

1910. What other sources of profit would he have besides the copies?—Whatever

Whatever he might be doing, or whatever his clerks might be doing in the office.

1911. Mr. *Adair.*] The attendance at consultation carries a fee, does it not?—Yes.

1912. Mr. *Puller.*] Besides the five guineas?—Yes.

1913. What is that?—It is two guineas; I propose that it should be reduced to one guinea.

1914. That would make six guineas?—Yes.

1915. This source of profit lasts only for a few months in the year?—It lasts very nearly all the year round; I have solicitors' bills commencing with August, and of course going up to July.

1916. But there are no fees for attendance out of the Sitting of Parliament?—No, not on Committees.

1917. Are not the other fees upon a very much smaller scale?—No; all the Parliamentary copying is exactly the same. The taxing officer will not allow the same amount for attendances previously to the Bill actually being set on foot (that is to say, for preliminary proceedings), as he will allow for attendances after the Bill has been actually set on foot, or the notices prepared.

1918. Lord *Stanley.*] What is the object of fixing a rate of remuneration for the solicitor; why should he not be allowed, like every one else, to put his own estimate upon the value of his services?—That was a question for the consideration of Parliament, when they passed the Act for the taxation of costs, rather than for myself, whose duty is the taxation of costs.

1919. Upon the question of printing, I think I understand you that there will be an actual saving of expenditure, where six copies are required, by printing instead of copying?—There will be a saving if you take away the profit from the solicitors, which I do not think it unreasonable to do; there will be a saving if you have only two copies.

1920. I am not talking of the question of the profits, but of the actual cost of copying; I understand that the cost of copying is 2*d.* per folio?—It is.

1921. And 1*s.* 2*d.* is the cost of printing?—Yes.

1922. Therefore, where seven copies are required, the cost of printing would not exceed that of copying?—Exactly so.

1923. And printing would be of course a very great convenience to all parties who had to deal with the evidence?—I think it would be an immense convenience.

1924. Mr. *Adair.*] Has a solicitor a second fee as a witness when he gives evidence in favour of a case in which he is attending as a solicitor?—I have never had that case; I should object to a second fee, if he was called as a witness.

1925. Mr. *R. Hodgson.*] The fee to Mr. Gurney is 9*d.* a folio?—Yes.

1926. The cost of copying from the transcript would be 2*d.*?—Yes.

1927. Therefore two copies would cost 11*d.*?—Yes; but Mr. Gurney's fee is independent of the copies—that is, for taking down the shorthand-writer's notes; it is not a fee for supplying the copy.

1928. One copy and Mr. Gurney's transcript would be 11*d.*, would it not?—Yes; but that 9*d.* would remain under any system.

1929. Colonel *Wilson Patten.*] Are you often called upon to tax the costs?—I have had a considerable number of bills of cost to tax.

1930. In the course of the Session, how often are you called upon?—I thought that I might be asked that question, and I had a return made out of it. I have only been taxing officer two years. I have not with me the memorandum which I intended to bring up; but I think that about from 30 to 40 accounts have been taxed by me in each year.

1931. Has the reduction which you have made in the expenses been considerable?—Yes, in some cases, and in some cases there has been none.

1932. But, on the whole, have you considerably reduced the expenses by taxation?—I hardly like to say that, because the accounts which are brought before me to be taxed form such a very small proportion of the Parliamentary accounts, that I hardly like to say that I have made a great reduction, for it must be comparative.

1933. But of those accounts which have been brought before you to be taxed, have you reduced the charges materially?—There have been some bills in which I have reduced them very materially.

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1934. What has been the largest proportion of reduction?—The largest proportion has been, I think, about one-fifth.

1935. Who are the parties who have the right to have costs taxed at the present time?—The client or the solicitor.

1936. In a railway case, nobody but the directors, I presume, have a right to make a claim for taxation?—They would be the parties who would apply.

1937. Have the shareholders of railways any power in that respect?—They have no power, except so far as of course they need not pass any accounts which are not taxed, and so they have a power over the directors; but the directors are the employers of the solicitor, and the directors are the parties who must apply for the taxation; but they being under the superintendence of the shareholders, if the shareholders choose to exercise their powers, the shareholders in that way have the power of having the Bill taxed.

1937*. No individual shareholder has the power of putting in a claim for the taxation of costs?—No.

1938. Mr. *Adair.*]—The directors are the parties who would apply to you to tax the costs?—They are.

1939. *Chairman.*] Can you illustrate to us by an example the mode in which you reduce the costs; can you state the items, for instance, which you cut down; can you give us instances, so as to make the mode of proceeding clear?—The solicitor's bill is sent in, containing the various items in the order of date, to which he attaches certain charges; if I find that those charges are too high, I reduce them.

1940. Will you mention one charge which it occurs to you that you have cut down?—One very ordinary charge of a solicitor, in addition to his own charge for attendance before the Committee, is a charge for the attendance of his clerk; that I have always cut off.

1941. Mr. *R. Hodgson.*] Sometimes for more than one clerk?—Sometimes for more than one clerk.

1942. Colonel *Wilson Patten.*] What are your charges for taxation; supposing that I claimed to have the charges of my opponent taxed, and that you knocked off 100*l.* from the charges, is there a per-centage charged for the taxation?—There is a per-centage, not on what I take off, but a per-centage on the whole bill; and that bill includes not only the charges of the solicitor or Parliamentary agent, but the payments made by him, and so a per-centage fee is allowed on the payments made as well as on the solicitor's charge, and it amounts to what I consider an extravagant sum.

1943. Mr. *R. Hodgson.*] That fee you have recommended to be abolished, have you not?—Yes.

1944. Colonel *Wilson Patten.*] What is the per-centage?—One per cent. on the whole of the bill.

1945. In point of fact, by the present system, very little is saved by a claim to have the charges taxed?—I have often struck off more than one per cent.; I have struck off a fifth of the bill.

1946. But, on the average, do you think that much is saved by taxation?—I will illustrate my objection to the present system. Certain public bodies consider it their duty to submit all bills to me for taxation (and very rightly) before they pay the accounts; the bills are very frequently drawn up with very great care; there is nothing to be taken off from them, and the reward to these public bodies for bringing their bills to be taxed, as I consider in proper course, is that they have to pay so many pounds additional for the pleasure of attending before me. I will give an instance: there was a bill before me the other day where I struck off about 3*l.*; these were merely one or two small charges which were not according to rule, and the fees and costs which the parties had to pay were 35*l.*

1947. Mr. *Liddell.*] Are the Committee to understand that, in taxing costs, you exercise your own discretion entirely, and that you are not guided by any fixed principles?—No, far from it; there is a scale laid down by the Speaker, from which I cannot depart. Of course there are many cases in which I have to exercise a discretion; as you may suppose, in laying down a scale of charges, you cannot take into consideration every single circumstance which may involve a charge, but the object is to draw the scale as distinctly as possible, so that all parties may know what are the proper charges.

1948. That

1948. That scale regulates the charges which professional persons may demand?—Yes.

1949. If they demand in excess of that scale, you can strike off to the extent of that excess?—Yes.

1950. Does your taxing power go beyond that; can you, from your own discretion, say, "I think that that is an additional charge, which ought not to have been made"?—Certainly; that power is perhaps as much exercised as the other.

1951. The fees upon taxation go to the House?—Yes.

1952. You have nothing to do with them?—No.

1953. *Chairman.*] You propose to cut down the charges of solicitors by an alteration in the copying of the Minutes of Evidence?—Yes.

1954. What effect will you produce by your proposals upon the charge of the Parliamentary agents?—On first entering upon this question, which the Speaker submitted to me, not having had as many bills placed before me for the purpose of taxation by Parliamentary agents and solicitors as I should have wished to have had, in order to form a judgment upon the way in which any amended scale might affect them, I desired all the principal firms, both of Parliamentary agents and solicitors, to send me in a bill of costs of each class of bill, namely, first and second class bills, opposed and unopposed, in order that I might form some judgment as to the propriety of the charges which should be allowed and the manner in which any alteration in the scale would affect the bills of solicitor or Parliamentary agent; and taking those bills I have arrived at this conclusion, that, speaking broadly, the solicitor's bill consists half of copying and half of other charges, and that the Parliamentary agent's bill consists only of copying to the extent of one-sixth.

1955. You operate upon one-half of the solicitor's bill and only upon one-sixth of the Parliamentary agent's bill?—Yes; in the Parliamentary agent's bill the charges are less high, in proportion to the work done, than they are in the solicitor's bill.

1956. Do you propose to reduce the charges of Parliamentary agents in any other way?—Yes; but I do not think that that would have any great effect upon the Parliamentary agents' bills. If you consider the responsibilities of the Parliamentary agents, and if you are acquainted with the bills of the Parliamentary agents, you will not be of opinion that the Parliamentary agent derives a greater profit than he ought to do in his transaction of the business.

1957. Mr. *R. Hodgson.*] In some instances you propose in your report an increase in the fees?—I do; there are very few cases, but there are some. There are cases, for instance, in which the Parliamentary agent, I think, has quite as great a responsibility as the solicitor, and in which he is not, according to the scale of fees, paid the same; and I see no reason for the distinction.

1958. Colonel *Wilson Patten.*] In all Railway Bills the Parliamentary agent's charges are very small compared with the country agent's charges?—They are so; but I allow the solicitor a higher charge for attendances in the heavy opposed railway cases than I do the Parliamentary agent, because he really has a great deal more to do. The Parliamentary agent has very little to do when the preamble of an opposed Railway Bill is going on, but when the clauses come on, the Parliamentary agent is the person who is chiefly employed, and according to the former scale, the Parliamentary agent had a less charge in that case than the solicitor, which I did not consider was fair.

1959. Mr. *Paull.*] Is it not the case that Parliamentary agents' charges are double those of solicitors; would not an attendance, or a letter be charged double by a Parliamentary agent?—You are speaking of the charges made out of Parliament, and of the charges made in Parliament. In Parliament, the charges of Parliamentary agents and solicitors, with respect to letters, are exactly the same.

1960. Then at what period is it that a Parliamentary agent may charge 13 *s.* 4 *d.* where a solicitor would charge 6 *s.* 8 *d.*?—In no case.

1961. Mr. *Whalley.*] I presume that the scale which you would allow to solicitors is the same as that which are recognised by the courts of law and equity?—No; the charges are a great deal higher in Parliament.

1962. Still they are upon that basis, the attendance and so forth; if you take the rules of the courts of law and equity as a basis, the amount would be increased?—There are charges for attendances, and charges for drawing, and

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for copies, both in Parliament and in the courts of law; but in Parliament the charges for all those things are higher than they are in the courts.

1963. Does not it appear to you that the nature of the business which solicitors have to transact in these Parliamentary questions is quite different, and that the responsibilities are of a totally different nature from those which attach to them as officers of the courts to which they belong as solicitors and attornies?—I conceive that the higher charges which have been allowed in Parliament for the solicitors and Parliamentary agents compared with what are allowed in the courts of law, must have been allowed on the ground that the business is different, and it certainly is a different class of business; and I think that the charges should be allowed to be higher in certain cases.

1964. In the courts of law and equity a solicitor is acting under personal responsibility for negligence, and if he is guilty of negligence he is of course liable to damages; there is nothing corresponding to that liability in Parliamentary proceedings?—You mean that the business in the courts is of more importance?

1965. In responsibility in proportion to the amount of the charges?—No; I think that the responsibility in Parliament is very great.

1966. Are you aware of the practice in the county courts; is there not some peculiarity in that practice, inasmuch as the taxing master there will not allow to solicitors engaged in those courts more than a certain stipulated sum for the work done, it being so much by the job, as it were; is there not a rule of that kind applicable to solicitors' bills in the county courts?—I do not know; but I think that as far as you can make the charges specific charges for specific work it is desirable that you should do so, particularly when you have a Parliamentary agent and a solicitor employed in the same case, and you cannot tell how much passing to and fro of a document there may be; therefore I have, wherever I could do so, put down a specific charge for specific work, such as drawing a statement of proofs, and so on. The charges are often multiplied by a document going to and fro between the Parliamentary agent and solicitor in a way which I think is not justified.

1967. In fact, there is no limit to the number of attendances and the number of letters incident to an application to Parliament?—There is a limit.

1968. There is no practical limit which you would apply as a test to the bill; take the letters and attendances?—The letters must contain something; there must be something to say upon the subject-matter, in order to justify a letter.

1969. Assuming that my suggestion is right, that in the case of the County Courts, those miscellaneous charges for attendances and letters, and so forth, are restricted, and that the law recognizes that so much work is necessary in the matter with regard to attendances and letters, and so forth; could any analagous system, in your opinion, be applied to Parliamentary business?—Certainly not; the attendances would vary very much, and the letters which are necessary to be written would vary quite as much.

1970. It could not be regulated by any other standard than what is done?—Not, in my opinion, by any better standard.

1971. Colonel *Wilson Patten.*] Have you any power of taxing the costs as regards the number of counsel employed?—No, unless there is something altogether unreasonable.

1972. Supposing that, in one case, five or six counsel were employed, where you thought that one would have been sufficient, you have no power of taxing the costs of those counsel?—I could not say that in any case one counsel would be sufficient; but six counsel would strike one, on the first blush, as being so unreasonable, that if it were objected to, I certainly should not allow the charges for them.

1973. *Chairman.*] What have you to say with reference to the counsel?—I have entered fully into that question in my report, and I have not anything to say further; but I shall be very happy to answer any question which you have to ask upon it.

1974. Do you think that, independently of the number of counsel employed, and so forth, the mode of payment, in Parliamentary cases, is objectionable?—Yes; and it differs from that in any other court.

1975. Why do you think the present mode of payment objectionable?—I consider it objectionable, because you cannot bring a counsel before a Committee

mittee under an enormous sum. It was only the other day stated to me by a Parliamentary agent, in the first practice, that there was a case of his in which he had retained two counsel, neither of whom, he was afraid, would be able to give proper attention to the case, and that he should be very glad indeed to employ another counsel, who he was quite sure would be very willing to take the case for a proper fee, if he were allowed to do so, and who would give his whole attention to the case, and be in the room the whole time; but, according to the rule of the Parliamentary Bar, a counsel is not allowed to accept such a business, or to take less than a refresher of 10 guineas, and a consultation-fee of 5 guineas every day, and the agent did not feel justified in putting his client to so large an additional expense.

1976. Mr. *R. Hodgson.*] Do you mean that he is not allowed to accept a diminished fee?—He is not allowed to accept a diminished fee.

1977. Is he allowed to make an agreement that he will attend continuously?—Of course, it would be quite according to rule that he should.

1978. *Chairman.*] He might agree to attend throughout the inquiry, and be in the Committee-room all day long upon one brief fee?—Yes.

1979. He is not required to have a refresher?—Yes he is, and that is the main grievance, it is not the brief fee.

1980. Then I do not understand you. I understood you to say that it was competent to a barrister to agree to attend during the whole inquiry, and to be in the Committee-room all day merely upon one brief fee at the commencement?—No; he must have the ordinary fees which are allowed to counsel at the Parliamentary Bar, but he may agree to be in the room during the whole of the case.

1981. He would not be allowed, for instance, upon the brief fee to be satisfied with that payment without any further payment?—No.

1982. He cannot forego the refresher?—No, he must have the refresher and the consultation fee, which are fifteen guineas a day, though he may be quite a junior counsel only called yesterday.

1983. Mr. *Paull.*] Do you not think that that would be very shortly cured if Parliamentary agents would take a wider area in the Bar for their selection of counsel?—No, because it is the etiquette of the Bar; no Parliamentary barrister would be allowed, according to the etiquette of the Bar, to accept such a business.

1984. But would not that rule, in the ordinary nature of things, be amended if the Parliamentary agents chose to go and employ a greater number of counsel?—Paying them the high fees?

1985. No; I mean, if instead of limiting the employment to a certain number of gentlemen who are called Parliamentary counsel, they were to go into Westminster Hall, and select other competent men?—It is not a rule for a certain number of counsel who may be called Parliamentary counsel only, but it is the rule of the whole Bar; there is no Parliamentary Bar, the Bar is a general Bar, but there are certain members of that Bar who practise in Parliament, and they are not allowed to practise in Parliament under certain fees, according to the etiquette of the Bar.

1986. That I was aware of; but would not the rule be amended if the Parliamentary agents chose to go and select other barristers than those who are generally known as practising at the Parliamentary Bar?—I do not see how it would have any effect; you would only have other members of the bar who are not acquainted with the business instead of members who are.

1987. My object is to ask whether, if you had 200 members of the Bar practising before Parliamentary Committees instead of 50, the rule which obliges them to ask 10 or 15 guineas a day would not soon be amended?—No, I do not see that at all; before you can employ these numbers you must have the fees reduced.

1988. Colonel *Wilson Patten.*] In point of fact, if you go into Westminster Hall to look for a new counsel you cannot get him unless you pay him ten guineas a day for his attendance before the Committee, and five guineas for consultation?—No.

1989. A man called to the Bar two months since would not be allowed to take a brief before a Parliamentary Committee for less than that amount?—Certainly not.

1990. Therefore, throwing open the whole Bar to Parliamentary Committees would

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would not diminish the expense?—Not at all; I think that if you diminish the expense you would throw the Bar open, but you cannot throw the Bar open without first diminishing the expense.

1991. Do you speak of your own knowledge of the practice of the Bar with regard to Parliamentary fees?—Yes.

1992. Is it by the authority of any of the Inns of Court?—I do not know how the rule has been established; I only know that it is a rule which is considered binding as the etiquette of the Bar on the members of the Bar; I do not know exactly how it was brought about, but I believe that it has been chiefly by custom.

1993. Mr. *Whalley.*] Are you aware that there is another rule of etiquette of the Bar, namely, that all the counsel who have been employed before a Committee of the House of Commons expect also to be employed in the event of that Bill being tried before the House of Lords?—They are almost always employed, and it is to the interest of the client that they should be.

1994. I mean the whole number of them; supposing that there have been five counsel employed before the Committee of the House of Commons, and that when the case comes before the House of Lords only four of them are employed, are you aware of its being a rule of etiquette that those four counsel will throw up their briefs unless their fifth brother is included. I am stating a fact within my own knowledge; that the promoters of a Bill thinking that they could do with less counsel in the Lords than they had in the Commons, endeavoured to economise in that way, but that the counsel said, "We will not accept our briefs unless all of us who were employed in the Commons are employed in the Lords"?—I was not aware of that.

1995. Mr. *R. Hodgson.*] You recommend that no party should be allowed to employ more than three counsel?—Yes.

1996. And you think that that limitation would economise the expense?—I think that it would, and I think that the business would be quite as well conducted.

1997. In your capacity of taxing officer to the House of Commons, supposing it were alleged before you that a counsel did not appear during the day in the Committee-room, would that be a justification to you to strike off his fee?—No, not according to the present practice; it is not necessary that all the counsel should be in the room; if counsel neglected their duty it would be a different thing, but counsel do their duty to the best of their ability under the circumstances.

1998. If it were alleged before you that any particular counsel did not attend in the room on a particular day, would you in that case be justified in striking off the fee?—No.

1999. Mr. *E. P. Bouverie.*] Is there anything to prevent anybody appearing before a Committee of Parliament, not being a qualified barrister?—A petitioner may appear by himself, or by his agent.

2000. Supposing that a third person says, "I appear by instruction of Mr. A;" is there anything to prevent his being heard?—I do not think that he would be allowed to appear; it is not the practice.

2001. Are you aware of any rule of either House of Parliament, giving the Bar exclusive audience before Committees?—No; I am not aware of any rule which does not apply to other courts, but they would not allow any person to appear in other courts.

2002. Is there any Parliamentary rule in existence; is it anything more than the practice of Parliamentary agents to engage barristers?—I do not know that there is any written rule on the subject; it is such a rule as is formed by precedent and practice.

2003. In a court of law, the court would refuse to hear anybody who was not a barrister?—So I believe that a Committee would, except the petitioner or his agent.

2004. Mr. *Adair.*] Is it requisite, in order to enable a person to appear in a Committee-room, that he should be a barrister, or a solicitor, or a Parliamentary agent?—It is so according to the practice. As I have stated, I do not know that there is any written rule upon the subject.

2005. Is it not difficult, and indeed impossible, to define a Parliamentary agent?—No, the Parliamentary agent enters his appearance in a register of Parliamentary agents which is kept in the House; he makes himself liable to the

fees

fees of the House, and he is responsible for the proper conduct of the Bill, or of the case before Parliament.

2006. Does the law recognise a Parliamentary agent in respect of the recovery of his fees?—Yes.

2007. It recognises him as a particular class of a profession?—Yes, the Act for the taxation of costs does so,

2008. Mr. *Puller*.] Must every Parliamentary agent be upon a list sanctioned by the Speaker?—Any person may claim to act as a Parliamentary agent, and may qualify himself by signing a book or paper, by which he renders himself responsible for the fees of the House, and also for the proper conduct of the business.

2009. If he is reported to the Speaker as having done anything wrong, is he not liable to be struck off the list and suspended from practising as a Parliamentary agent?—Yes; the list is approved by the Speaker.

2010. And so a solicitor is liable to be struck off the Rolls if he does anything wrong?—Yes.

2011. There might, therefore, be an inconvenience if any person was admitted to plead who was under no responsibility?—I am not at all an advocate for it.

2012. Are you acquainted with the rules with respect to costs in the appeals from the Courts of Common Law to the House of Lords?—Only generally.

2013. Are not the fees of counsel in those appeals 10 guineas a day?—They are.

2014. Does that practice apply equally to the junior counsel?—Yes.

2015. Is that a matter of taxation in the House of Lords; is there a rule of the House of Lords allowing that fee of 10 guineas a day?—No; the taxing officer would not allow more than that, any more than I should allow more in the Commons.

2016. Do you ever tax the counsel's fees?—The counsel's fees are, generally speaking, included in the bills of costs; and if more than 10 guineas was put down I should strike it off.

2017. Do you suppose that the origin of that fee upon appeals in the House of Lords being 10 guineas a day, was the Parliamentary practice?—I do not know that it was; I cannot say.

2018. Mr. *Adair*.] Is five guineas allowed for a consultation in an appeal case in the House of Lords?—I think it is; the only difference is in the retainer, which is only two guineas; but there are very few consultations allowed in appeals. In the Parliamentary cases consultation is a matter of course, every day, whether there is any necessity for a consultation or not.

2019. Then, in fact, your power of taxation as regards counsel only refers to the number employed, and to the fee being 10 guineas a day?—Yes; and I can hardly say that it refers to the number employed, because there is no specific number laid down; it must be something so unreasonable that its unreasonableness must be evident.

2020. Is it your habit to admit of four and five counsel in a case?—Yes, I cannot do otherwise. I cannot say that it is not for the interest of the parties that five counsel should be allowed, unless there has been some rule laid down that there should be a fewer number.

2021. What is the Parliamentary agent's fee for appearing to conduct a case before the Committee?—It varies; when the case is on the preamble, the Parliamentary agent has two guineas a day; if it is on the clauses, he has three guineas.

2022. If he appeared as an advocate in the same case, would he receive a further fee?—No, the scale of fees does not contemplate his appearing as an advocate.

2023. Mr. *R. Hodgson*.] He would receive the larger of the two fees, namely, from three to five guineas, would he not, if he appeared as an advocate?—If no counsel were employed he would receive from 3 to 5 guineas.

2024. If he appeared as an advocate at all, would he not do so?—No; not if the case was on the preamble.

2025. That is according to the scale?—Yes.

2026. But that scale is drawn on the supposition that he will not appear as an advocate upon the preamble, but that he will appear by counsel?—Yes.

2027. If it had been contemplated that the Parliamentary agent would appear before the Committee as an advocate upon the preamble, the fee would have been different?—Yes, I should say it would.

2028. *Chairman.*] You say that a junior counsel cannot now be retained, and appear in a Committee-room, under 30 guineas?—Just so.

2029. Supposing that your scheme was adopted, what would the amount be?—The retainer I propose should be two guineas, and I do not wish to limit the fees that any party may think it right to pay to counsel; I only wish to allow counsel to accept such a fee as is thought by him and his client to be reasonable.

2030. The minimum now is 30 guineas?—It is.

2031. What do you suppose your minimum would be?—I do not suppose that you would give less in a Parliamentary case than a brief fee of 10 guineas, but you might in some slight cases give five guineas.

2032. At any rate, you would bring 30 guineas down to 12?—Yes, or even seven. I do not see why a counsel in a small case, should not accept a fee of five guineas.

2033. Mr. *Adair.*] With a brief fee of five guineas, what do you propose that the daily refresher shall be?—I propose that the daily refresher shall be just according to the necessity for it; that there shall be either a small one or none, according to the standing of the counsel, and the importance of the case.

2034. And what do you propose as the consultation fee?—Two guineas, just as it is in the courts.

2035. Two guineas to the senior and one guinea to the junior?—I think it better not to draw a distinction between the senior and the junior in Parliamentary cases, because in Parliamentary cases a junior counsel is often worth quite as much as a senior counsel. A senior counsel, as you are aware, does not mean senior in the case, but a Queen's counsel (senior in standing at the bar); and there are many junior counsel so well versed in Parliamentary business, that they are worth more than many senior counsel. I therefore think that it would not be right that they should not be allowed to have the same fee.

2036. Do you think that it would be desirable that they should have a larger brief fee and no daily refresher, unless a case continued more than a certain number of days?—No, I do not; I have considered that question.

2037. Why not?—Because you would then be obliged to give a heavy fee; supposing you made the rule that you would not give a daily refresher unless the case lasted more than six or seven days, or whatever number of days you might fix upon, you would then be obliged to give a brief fee which would cover the possibility of the case lasting that time.

2038. Such an arrangement might have the advantage of condensing the evidence and shortening the duration of the inquiry?—I do not think that it would; I think that the Parliamentary counsel are as desirous as any one of shortening the proceedings so far as is consistent with justice to the case.

2039. What is your evidence of that particularly?—Such an opinion must depend more upon general impression than upon any particular facts.

Lunæ, 20° *die Aprilis*, 1863.

MEMBERS PRESENT:

Mr. Adair.	Mr. Massey.
Mr. C. Forster.	Colonel Wilson Patten.
Mr. Milner Gibson.	Mr. Paull.
Mr. R. Hodgson.	Mr. Puller.
Mr. Liddell.	Mr. Whalley.
Mr. Lowe.	

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

Fereday Smith, Esq., called in, and Examined.

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2040. Colonel *Wilson Patten.*] YOU, I believe, appear here to-day as representing the canal interests of Great Britain?—I do.

2041. In what way were you requested to attend this Committee?—A meeting of the Canal Association was summoned; we spent some hours in discussing the whole question, and memoranda were put down, and by a unanimous vote I was fixed upon as the mouthpiece.

2042. Was the meeting which you attended cognizant of the object of this Committee?—Quite so, it was specially summoned on that account.

2043. What do you understand that object to be?—To inquire generally into the present system of Private Bill Legislation.

2044. Have you any remarks to make, as representing the canal interest of Great Britain, upon the present system of Committees for the investigation of Private Bills?—The chief point which we wish to bring before the notice of the Committee, is the question of *locus standi*; we think that the rule is scarcely sufficiently definite, and certainly not sufficiently wide.

2045. What is your opinion generally of the mode in which Private Bills are investigated before Committees of the House of Commons?—We have no fault to find with it, generally speaking. We are glad to have an opportunity of a second tribunal to appeal to; and whether a Bill begins in the House of Lords or Commons, it is very often essential to us, as we think, that we should have a second tribunal. Generally speaking, we consider the tribunal a fair one as it now exists, but there are details which certainly require change.

2046. Have you any observations to make with regard to the expense?—The expense, we think, is excessive.

2047. Will you point out in what you think that the great expense consists?—In the first place, in the House fees; we think that one set of fees ought to cover both Houses of Parliament, and that they ought also to be greatly modified. I am not able to speak of the exact details, but I know that in our own Bills the fees are very large, both in opposed and unopposed Bills.

2048. Have you been engaged in any expensive contests before Parliament?—A great many.

2049. Can you give us any idea of the expenses to which you have been put in the canal interest which you immediately represent in contesting Bills before Parliament?—We brought in a Bill last year connected with navigations in order to prevent rubbish being thrown into a river; the expenses of that Bill, which we carried, were about 9,000 *l.*

2050. Mr. *Adair.*] That was the Irwell navigation case, I think?—It was.

2051. Colonel *Wilson Patten.*] You have had several contests, I believe, with Railway Companies?—We have.

2052. Have you found them enormously expensive?—Very expensive, mainly from House fees, and counsels' and solicitors' fees.

2053. I believe that 9,000 *l.* is not quite the largest sum which you have paid?

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—It is the largest sum which we have paid for one Bill, that I recollect. While on the question of the expense of counsels' fees, I may mention that we suffer very much from what are called refreshers, the ten guineas per day for attendance before the Committee, and five guineas for consultation.

2054. You call the first of those payments a refresher?—It is called a refresher.

2055. You do not call it a daily fee?—It is what is generally understood as a refresher.

2056. It is a refresher every day?—Yes. We do not object to a large fee upon the brief, we think that talent ought to be paid for, but the daily fee to an inferior man the same as is paid to a first-rate man is exceedingly onerous, and unfair.

2057. What do you consider to be the fee which you are required to pay to a junior counsel for each day's attendance?—Practically 15 guineas.

2058. Mr. *R. Hodgson.*] Ten guineas for attendance, and five guineas for consultation?—Yes; and now consultations are sometimes limited to five minutes, they used to be a quarter of an hour at least.

2059. Colonel *Wilson Patten.*] Is there any rule to that effect?—It is nothing more than an understanding between the parties.

2060. Five minutes is the duration of the consultation, for which a fee of five guineas is paid to each counsel attending?—Yes. We should not object to pay a counsel five guineas per day, including everything, in addition to a brief fee.

2061. Mr. *R. Hodgson.*] Does it sometimes occur that there are two consultations in a day?—I think that it does; though it has not come under my own experience; it is quite the exception; but it has occasionally occurred, I believe.

2062. In that case, two fees of five guineas are incurred?—I believe so; I am not certain; it has been so exceptional, that I am not quite clear about it.

2063. If there is an understanding that the consultation shall only last five minutes, is it not likely that the after consultations will become more frequent; that the business of the consultation will scarcely be finished?—Quite so.

2064. In that case the fees would amount to 20 guineas a day?—Yes; but practically the consultations, as they are, are sometimes useless, excepting upon some special point which may arise once or twice in the whole course of the Bill.

2065. Mr. *Adair.*] Is the brief fee smaller in proportion, owing to the daily refresher, than it would be in Westminster Hall, where there is no refresher, except in very long cases?—I am hardly able to answer that question; it is always worth our while, when we get first-rate talent, to pay a large brief fee; there is no hardship in that; we do not complain of the fees to first-rate counsel; our difficulty is with the junior counsel, who are sometimes, to a certain extent, machines.

2066. Mr. *Paull.*] Who appoints the consultation?—The solicitor or the Parliamentary agent.

2067. *Chairman.*] You are a barrister yourself?—I am. I do not practise at the Bar. Lord Ellesmere is my client.

2068. Should you feel a difficulty in going before a Parliamentary Committee upon the same terms as you would attend in Westminster Hall?—It would be considered as rather a breach of etiquette to do so. I should be looked upon, I think, as what is called a black sheep if I did so. Unless Parliament lays down a line and arranges a scale, it would be very difficult for any member at the Bar to commence the exception.

2069. Supposing, for instance, that a man not following Parliamentary practice were asked to come once on some special occasion before a Committee, would he be at liberty to receive merely the same fees as he would have received, had he attended in a court of law?—He would be at liberty to do so; but I should not at all envy his position if he did. I think it would be looked upon as a movement entirely hostile to his fraternity, and it would be a very painful position to be placed in. I for one should not like to do so.

2070. Mr. *R. Hodgson.*] Is it, in your opinion, within the power of Parliament to fix a scale of fees which counsel should agree to take?—Perhaps not legally, but I think that if the rule was laid down as to what was considered fair it would be acted upon. The present system has grown out of the fact of

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Parliamentary practice having, in the first instance, been exceptional, and the barristers were taken from the courts and brought out of their regular practice into, as it were, another court; then it was considered fair to give them something extra at the commencement, but though the Parliamentary Bar is now practically a Bar of itself, and a distinct profession, that custom has never been to any extent modified, and it requires modification.

2071. What you would advise would be, that the fees payable to counsel for attendance and consultation should not exceed five guineas a-day, and that talent should be paid by a larger fee upon the brief?—Yes, that is my proposition; it would leave the client at liberty to pay what he pleased on delivering the brief.

2072. Mr. *Paull.*] These fees were in the nature of a special retainer, were they not?—Yes.

2073. Do you know what a special retainer is for a Queen's counsel to go off his circuit to another circuit?—I know that very large sums are occasionally given. I cannot charge my memory with what the usual payment is.

2074. Something like 300 guineas?—I have known as much as 500 guineas given; but that has been in a special case.

2075. You do not happen to know that with a silk gownsman it is never less than 300 guineas to go from one circuit to another?—I believe that it is something of the sort. I am not sure of the exact sum.

2076. Nor do you know what would be given to a stuff gownsman?—I do not recollect.

2077. Colonel *Wilson Patten.*] Are you aware of the origin of a double fee being allowed in Parliament?—It was for taking a man from his regular court.

2078. It was not laid down as a special retainer at all, I believe, but a larger fee was given because it was an interruption to the counsel's practice in the Courts of Westminster Hall, and it was considered that on that account he was entitled to a double fee?—Yes.

2079. That was the practice for many years?—Yes.

2080-81. The present system has arisen of late years?—Yes; attorneys' fees, in the same way, are about double in Parliament what they are in ordinary practice.

2082. In a bill of costs double fees would be allowed to an attorney, on the same consideration?—Yes, and I believe that that scale is sanctioned by a rule of the House.

2083. You believe that that rule of the House, allowing double fees to a solicitor, is a proof that the intention of the House was, that double fees should also be allowed to counsel on the same ground?—I think that it is very probable.

2084. Are you aware whether there is any feeling at the Bar upon this subject?—I have reason to believe that the leaders would have no objection whatever to a considerable modification of the daily fee. I think that they would have, and very properly so, a great objection to be limited in the brief fee.

2085. Amongst the junior members of the Bar in Westminster Hall, do you think that there is any feeling with regard to the scale of fees to counsel?—As far as I can gather, I think that there is. I believe that they are dissatisfied with the Parliamentary counsel being paid better than themselves.

2086. Do you think that the young men at the Bar would be glad to avail themselves of practice in Parliamentary Committees, if a lower scale of fee was allowed?—Yes; and I think that more would be so employed.

2087. I propose now to go to the solicitors' fees. Have you anything to say with reference to solicitors' fees?—Yes. I think that Parliament would be justified in moderating what are called the solicitors' charges; namely, the daily charges for writing letters and making copies, and all the routine work, and putting them much upon the same scale, or perhaps even a little higher, than the ordinary charges; but I think that it would be reasonable to allow the daily payment to a country solicitor to be a matter of arrangement between himself and his client. For instance, in bringing a man from his practice in the country up to London, some men are worth, perhaps, their two guineas a day, or their three guineas a day, whereas other men of talent may be worth their seven or their ten guineas, or, at all events, their five guineas. I would leave the daily payment to the solicitor as a matter of bargain between himself and his client, not exceeding some sum which you might fix, such as seven or ten guineas. But the regular charge for copying and letter writing, and the ordinary routine

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work which a clerk could do as well as the solicitor himself, in my opinion, requires some revision.

2088. What is the usual charge for writing a letter on Parliamentary business?—We have been charged as much as 10 *s.* for a letter, even to summon a meeting of counsel.

2089. What should you be charged in the country by a solicitor?—It would vary from 3 *s.* 6 *d.* to 6 *s.* 8 *d.*; 5 *s.* would be the average. But I have paid 10 *s.* each for attendances to summon three counsel to a consultation. In the country some solicitors charge 6 *s.* 8 *d.*, but 5 *s.* is the rule, I think.

2090. In contests which you have had before Committees of the House of Commons, have you had anything to say to the expense of copies of evidence?—Yes.

2091. Mr. *R. Hodgson.*] If I understand your answer correctly it is this, that in addition to the counsel's fee for attendance, and in addition to his clerk's fee for receiving notice of the sitting of the committee, the solicitor's clerk charges 10 *s.* for giving notice to the counsel's clerk?—Yes, it is a fee of 10 *s.* on payment of consultation fee to counsel.

2092. In each case?—Yes.

2093. Colonel *Wilson Patten.*] The letters for which you have had to pay 10 *s.*, you say, were summonses to counsel; were the letters copies one of the other?—Yes, exactly the same; the three copies were charged alike. "The like to so-and-so; the like to so-and-so."

2094. Is that the case in country practice; would the same system be adopted there?—They would charge for three letters, certainly.

2095. In the solicitor's charges, I believe that you have all the expenses of the House of Commons included?—Yes, either in the solicitor's, or in the Parliamentary agent's charges; sometimes one, and sometimes the other.

2096. Have you any remark to make upon any of the other charges in the solicitor's accounts?—No; I do not think that I have.

2097. For the copies of evidence, for instance?—The charge for copies of evidence is enormous; that is, in fact, a means of putting more money in the hands of the solicitors; they have told me so, when I have spoken to them upon the charge; they have said that it is a mode of payment for work done, and I have several times thought solicitors were getting copies of evidence when really, in my own opinion, it has not been wanted.

2098. Mr. *Adair.*] Does a solicitor receive an extra fee when he gives evidence, in addition to his fee, as the solicitor to the Bill?—I think not.

2099. Mr. *Paull.*] You have no doubt checked the solicitors' bills in various cases?—Yes.

2100. Have you found that there was any service rendered for which a charge had been omitted to be made by the solicitor?—It has been a very exceptional case.

2101. Then do you think that there is any justification whatever for the payment which is derived from the charge for copies of evidence?—I really do not; my connexion with solicitors has been frequent, and of course we employ the best men in the most difficult cases, and when a man's talent is really brought to bear, I do not grudge him any payment which is within the limits of reason; but whether a man is first-rate, or second-rate, to have these petty charges multiplied upon us without knowing or suspecting it beforehand, is tantalizing, and I think unreasonable.

2102. Mr. *Adair.*] Do you think that it is a creditable means of remunerating solicitors?—I do not like this mode.

2103. Mr. *Puller.*] Have you formed any estimate of what proportion of the solicitor's remuneration is derived from these copies of evidence?—No; but I find that some solicitors are more reasonable than others, and I find a difference in their charges.

2104. Mr. *Adair.*] Is the difference to which you refer the difference in the number of copies of the evidence?—No, my answer refers generally to their bills for work done.

2105. Have you found any difference with regard to the particular sum for copies of the evidence?—I think not; I believe that that charge is uniform as far as I find.

2106. In the number of copies as well as in amount?—Not in the number, but in the amount.

2107. Mr. *R. Hodgson.*] I think you have stated that in some instances you have seen a disposition to increase the number of copies of evidence which are furnished by solicitors?—It has struck me so.

2108. And the tendency of the present system is that way?—I think so; I think that the tendency of the present system is to increase what may be called vexatious charges.

2109. Do you think that it would be an improvement if the solicitors remuneration was for work done, and if the parties before Committees received printed copies of the evidence for the cost of those copies?—Yes, I think that that would be in the right direction.

2110. Mr. *Puller.*] Does your objection apply to the mode in which the solicitors are now remunerated for Parliamentary business, or do you think that comparing them with other men of the same amount of education, and the same standing in the world, they are overpaid?—I think that the inferior members of the profession are very much overpaid, from a uniform rule allowing large profits upon so many details. I think that the superior members of the profession can scarcely be overpaid at any price; but what I object to is that we hardly have an alternative. I have in one or two instances said to a solicitor, "Will you kindly give me a scale of your charges before I ask you to undertake certain business." I have in one or two instances met with parties who have been willing to come a little below the Parliamentary limit, but as a rule we have to pay what we understand to be the Parliamentary admitted scale.

2111. Is it considered a breach of etiquette amongst the solicitors to undertake business at a lower rate than the Parliamentary scale?—I should think not, because the parties who have fallen into that arrangement have been men of high respectability, and of good standing.

2112. Mr. *Adair.*] Such men as would set an example of moderation in their professional charges?—Certainly. I have no hesitation in saying that that is so; they were men of high position.

2113. Mr. *Paull.*] Do the London law-stationers charge 1½ *d.* per folio of 72 words, and a halfpenny per sheet for the paper?—I can hardly carry these details in my mind. I am rather speaking of the general result to us in our Bills. We have often enough had as much as 10,000 *l.* or 12,000 *l.* per Session to pay for Parliamentary expenses while we have simply protected ourselves; we have gained nothing, but retained our original position.

2114. Mr. *C. Forster.*] Do not solicitors say that this high charge for copies of Evidence includes charges for letters and attendances, for which they might charge separately, but do not charge, because they consider the charge upon the copies of Evidence sufficient remuneration?—In my own experience, I should say not.

2115. You think that they charge just the same?—Yes.

2116. Colonel *Wilson Patten.*] With respect to the House fees, have you anything to say upon that matter?—Upon the question of the House fees, we have suffered much in Estate Bills, and so on, and that is a subject which I am anxious to bring before the Committee. We are at this moment anxious to obtain Parliamentary powers to sell a few acres of building land upon Lord Ellesmere's estate. A railway has lately been made which cuts off a portion of his park, and he is anxious to obtain Parliamentary power to sell a little building land beyond the railway, which now is, as it were, outside his grounds, and I am told that it will cost us 1,200 *l.* to come to Parliament simply to obtain that power; we have not yet had the courage to face that cost.

2117. In that 1,200 *l.* the House fees form only a small proportion?—I fancy that the House fees in both Houses would be about 200 *l.* or 300 *l.*

2118. Mr. *R. Hodgson.*] Is it the case that a large proportioh of the fees in Estate Bills are incurred in the House of Lords?—I think that they are.

2119. Does not it depend upon what is, I believe, now modified, namely, the necessity of the personal attendance of witnesses to prove formal matter?—I am not able to answer that question; I do not know upon what it depends.

2120. Are you sure that your authority is a good one for stating that at present the cost of an Estate Bill unopposed would amount to 1,200*l.*?—I asked one solicitor about six weeks ago what the cost would be, and he said that he thought it would be about 1,200*l.*; he said that the last Bill he had brought in had cost 1,400*l.*, but that he thought it might be now obtained for 1,200*l.*

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2121. Mr. *Liddell.*] Is there any variation between the scale of fees exacted by the House of Lords, and those exacted by the House of Commons?—I am not quite able to answer that question; I did not expect to be examined upon the question of fees, and I cannot say that I am at present prepared with all the details.

2122. Mr. *R. Hodgson.*] Have you had occasion to bring Bills to Parliament under which money has had to be raised?—Yes.

2123. You are acquainted, therefore, with the effect of what are called the *ad valorem* fees?—Yes, I think that they are oppressive; if I remember rightly, the fee varies entirely with the amount to be raised; in fact, it is *ad valorem*, and without giving Parliament, or any one, any more trouble, the fees for large amounts are enormous.

2124. You think that that is a great hardship from which the suitors to Parliament ought to be relieved?—Yes.

2125. Do you think that the fee ought to be fixed relatively to the amount to be raised, or upon some other data?—I do not say that there ought to be no *ad valorem* fee, but I think that the great difference which now exists, speaking entirely from memory, is excessive; I am told that the Midland Company, in coming to Parliament this year, are actually put to the expense of 800 *l.* in consequence of the amount of capital which they are raising; I am told that another company is in the same position, and I cannot see the justice of such a large charge; it certainly is not in the interest of the public.

2126. Colonel *Wilson Patten.*] Granting, however, that the amount of the fees is now too large, you do recognise the justice of *ad valorem* system, seeing that the privileges sought from Parliament are generally in proportion to the amount of money sought to be raised?—I do not think that there is anything unfair or unjust in it, but it is a question of degree.

2127. You think that it is an exaggerated scale, but not an unfair one?—Yes, that is my general impression.

2128. Mr. *R. Hodgson.*] Will you state why you are of that opinion; on what ground do you think that any Company or individual should pay larger fees in consideration of applying for power to raise 100,000 *l.* than if the application was only for power to raise 40,000 *l.*?—It is difficult to give a logical reason for it, but generally speaking, the advantages to a Company coming for a large sum are greater than to three or four Companies coming collectively for the same amount, the expenses generally in preparing the Bills, and so forth, would be larger in the case of four Companies coming collectively for 800,000 *l.* than in the case of one Company coming for 800,000 *l.*

2129. Would you regulate all the fees which are paid by Companies in the same differential manner, namely, according to the privileges which they sought?—I think that practically they are to some extent regulated in that way, certainly in counsel's fees, the largest Companies get the best counsel, and pay them more.

2130. I am speaking of the House fees?—I am not prepared to say that I would.

2131. Mr. *Adair.*] Do you know that 200,000 *l.* is the highest *ad valorem* charge upon which any fee in the House of Lords is regulated?—I do not.

2132. Colonel *Wilson Patten.*] Have you any observations to make upon the present system of grouping Bills before Committees?—Yes; I have an illustration in my hand which is a very remarkable one; it is a case of power being sought by the London and North Western Railway Company to obtain privileges in Carlingford Lough, in Ireland, and to obtain running powers, and various other powers over the Irish North Western Railway. It is, practically, to put the Irish North Western Railway into the hands of the London and North Western Company. A Bill has been introduced into Parliament by the Irish North Western Company, which has not a syllable within it upon this subject. A Bill has been introduced by a Company called the Dundalk, Carlingford, and Greenore Railway Company, which practically gives the control of a magnificent harbour in Carlingford Lough; and without mentioning or hinting in the preamble any such proposition, they take powers practically to amalgamate with the Irish North Western Company, provision being made for the maintenance, management, use, and working by the Irish North Western Railway Company of this railway. This is not mentioned in the preamble of the Irish North Western Bill; but still there is a power in the Dundalk Bill handing

handing over the harbour and the railway to that company. There is not a word about the London and North Western Railway in either Bill. But in the London and North Western Railway Bill (an English Bill) there is a clause which probably no person in Ireland would ever have thought of looking for, or probably have known of, authorising the London and North Western Company and the Irish North Western Company, from time to time, to enter into and carry into effect agreements with reference to the transmission of traffic, &c., over the Irish North Western Railway; in fact, it is worded in the way in which such clauses usually are, which practically hand over one to the other. Now, supposing I was interested in a railway, or in any property in Ireland, I should not have had the remotest idea that such a power was sought; but, as we are interested in England in opposing the London and North Western Company getting the exclusive right over the Irish lines (for it affects English canals very much indeed), we are petitioning Parliament. One part of the matter is in the Commons, and the other in the Lords. What I propose therefore is, that the Committee upon any Bill should have power to remit any portion of the Bill, which they think right, to any other Committee, whether in the Lords, or in the Commons. To carry the matter a little further. The London and North Western Company are seeking, along with five Irish companies, to obtain powers to make large arrangements with the Dublin Metropolitan Company. The London and North Western Bill says nothing upon that point, but in a Dublin Metropolitan Bill which I accidentally got hold of, I find this reference to it, "And whereas it is expedient that provisions be made for authorising the Dublin Metropolitan Railway Company on the one hand and the Great Southern and Western Railway Company, the Dublin and Kingstown Railway Company, the Wicklow and Wexford Railway Company, the Midland Great Western Railway Company, the Dublin and Drogheda Railway Company, and the London and North Western Railway Company on the other hand, or any one or more of such companies to make and carry out working and other arrangements." So that it is by the sheerest accident at present, that we can ever trace these things. If these four Bills are passed (and they probably will go before three Committees, two in the Lords and one in the Commons, for there is a petition to remit the Dublin Metropolitan Bill to a Special Committee, in consequence of some particular questions), we have no hope of showing to either Committee what the real bearing of these questions is.

2133. Those Bills have been submitted to the Board of Trade?—Yes.

2134. And the Board of Trade have made a report upon them?—They have.

2135. In that report of the Board of Trade will be found a reference to those particular things?—Yes, but the difficulty is to bring them before the minds of the Committee; the facts may be known, but their importance in this disjunctive form can scarcely be recognised or understood.

2136. Then you object to the present system of grouping Railway Bills before Committees because you think sufficient attention is not paid to the clauses in which one company forms a communication with another at a distance?—I think that it wants a great change. I approve of the principle, but I think it is not rightly carried out.

2137. But you are aware that there are the means before every Committee of detecting any arrangement of that kind?—Yes, but there it ends.

2138. Would it not be sufficient that the Board of Trade should have some greater influence than it now possesses before Committees in preventing arrangements of that kind?—I do not see how it can be managed. Parliament, in all probability, will not part with their powers, and if you have two collateral powers they immediately become antagonistic instead of assisting each other. I believe that the reports by the Board of Trade are of the greatest possible use. I believe that they are most admirable, but it must always be recollected that they are *ex parte*. What is wanted is to induce the Committees to pay more attention to those reports, and I have thought that it would be a very good thing if the Chairman of each Committee was obliged, as a Standing Order, to state in his report to the House, the cases in which he differed from the Board of Trade without giving reasons, but simply saying, "We have considered the report of the Board of Trade upon this Bill, recommendations No. 2, No. 5, and No. 7, have been carefully considered by the Committee, but we differ from the Board of Trade."

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2139. Are you aware that that was once the rule of the House?—I am not.

2140. What is the remedy which you suggest under the present system?—I propose that every Committee should have power to cut out a certain number of clauses from a Bill, and to remit those clauses to a Committee connected with the same subject. The case which I have mentioned really looks like an attempt to divide the enemy's forces; it looks like an attempt to carry certain measures through in such a way that the enemy cannot attack them.

2141. Taking the Bills to which you have just referred, to what Committee would you have referred the clauses that you have mentioned?—I should have referred the Irish North Western clause in the London and North Western Bill, to the Committee of the House of Lords, which is about to consider the Dundalk and Carlingford Bill, and the Irish North Western Bill itself.

2142. Mr. *R. Hodgson.*] In that case, you would have another set of counsel's fees to pay?—That cannot be helped. We, for instance, are simply opposing that one clause in the Bill, and we should go before the Lords' Committee instead of before the Commons' Committee.

2143. Colonel *Wilson Patten.*] How would you get over this objection, that when that clause was referred to the Committee in the House of Lords, that Committee should find that it had nothing to do with the Irish schemes?—But it has, distinctly. The chairman of the Committee should decide that point; it is mentioned in so many words that the London and North Western Company contemplate a distinct arrangement with the Irish North Western Company.

2144. Mr. *R. Hodgson.*] You do not allege that due notice was not given by publication of the intention to seek these powers?—There is nothing on the subject in the preamble of the Dundalk and Carlingford Bill.

2145. I am not speaking of the preamble; you do not allege that the notices were not properly published in respect of those powers which are sought?—I do not know whether they were or not.

2146. It is not in respect of those parties who are interested, not having sufficient notice given to them of these powers, but of the mode of dealing with them, before the Committees that you raise an objection?—Take the case of an Irish resident; he would naturally expect that the notice of the intention to make arrangements with the Irish North Western Railway Company should appear in the "Dublin Gazette," but the London and North Western Companies notices were published in the "London Gazette."

2147. Can you state that in that individual case, no notices were published in the "Dublin Gazette"?—I cannot state it actually.

2148. You are acquainted with the Standing Orders of Parliament, are you not?—Yes, generally.

2149. Would it not be a necessity that those notices should be published in Ireland?—I think not.

2150. Am I to understand that the London and North Western Company take powers to make agreements and to acquire privileges over Irish railways?—Yes.

2151. And do you mean to say that in your opinion the Standing Orders do not require that notice of that intention should be published in the Irish papers as well as in the English papers?—I believe not.

2152. But you cannot state the fact that these notices were not published in Ireland?—I have not seen the "Dublin Gazette." I have no access to it.

2153. But still in a Bill such a power founded upon the notices is contained?—Yes, in this case, in the Dublin Metropolitan Bill.

2154. Applicable to an English Company intending to take powers over an Irish railway?—Yes.

2155. But no notice of that was given in the "London Gazette"?—The Dublin Metropolitan Notice was published in the "London Gazette", but there was nothing in the short heading to indicate that the Bill contained power for an English Railway to acquire control over the Dublin Metropolitan Railway and Works.

2156. Mr. *Paull.*] So that ostensibly a Bill was promoted by a Company in Ireland when in fact it was to confer privileges upon a Company in England?—Yes.

2157. Then, in fact, it was a concealment from Parliament of what was going to take place?—Perhaps not from Parliament, but certainly from the opponents of the Bill.

2158. But

2158. But if Parliament required that the nature of the scheme should be published in the "Gazette," and that was not complied with, then there was a concealment?—Yes, if Parliament so required.

2159. Mr. *Liddell.*] Is it not part of a counsel's duty to point out to Committees the effect and bearing of the clauses if he finds those clauses involving powers which are not set forth in the preamble; is not that a strong argument in his hands against such a Bill?—My experience rather leads to the conclusion, that the preamble of a Bill is the subject which the Committee mainly deal with, and that the clauses are most frequently passed over rather hastily. In the case of the working arrangements with the Dundalk Company not a word of that is mentioned in the preamble, and consequently any discussion of the working arrangements does not arise.

2160. But the fault of that would lie with the counsel for the opponents of the Bill, I presume?—If I may so express myself, which I do very deferentially, I have often thought that the Committees have been a little wearied with the discussion upon the preamble, and are anxious that the discussion upon the clauses should be rather shortened.

2161. For instance, in the opening speech of the opponent, would it not be felt by the Committee to be a neglect of duty on his part to omit to call attention to such an important point as that which you have mentioned, namely, that the clauses involved powers not set forth in the preamble?—My difficulty is that we cannot get a *locus standi* to do it.

2162. But it would almost appear to be a fraud to claim powers which are concealed in the preamble, and which are only subsequently expressed in the clauses?—It really is tending much in that direction.

2163. Mr. *Adair.*] Are not Bills usually drawn with the words, "and for other purposes," in the preamble?—Yes.

2164. Is it in your opinion the duty of the Chairman of every Railway Committee thoroughly to read through and understand the Committee Bill before the inquiry commences?—I think that on general principles such a course is the right one to pursue.

2165. If that course was pursued, would not the attempt at concealment which you allege, but which might be answered as covered by the words "for other purposes," be immediately detected?—I think so.

2166. Are you opposing the London and North Western Bill?—We are.

2167. Did you make it a ground of opposition before the examiner that this power sought in the clauses did not appear at length in the preamble of the Bill?—We had not discovered that they were seeking for the power at the time when the Bill was before the examiner; it is only lately that we have found that out.

2168. Might it not be considered as your duty to have read the Bill, and to have discovered this power previously to your going before the examiner on Standing Orders?—It never occurred to us that in an Irish Bill powers to the London and North Western Railway Company would be obtained for doing these things; it did not occur to us to be at all likely; we should naturally have examined very carefully the London and North Western Bill itself.

2169. I understand you to say that you cannot definitely state whether the London and North Western notices in England contained any reference to the power sought in Ireland?—I cannot definitely state so upon evidence, but we examined every notice carefully, and we certainly could not find it.

2170. Did the Irish Bill, on which the London and North Western power might operate, contain any reference to the London and North Western Company seeking that power?—Does the honourable Member's question refer to the Dundalk Company, or to the Metropolitan Company?

2171. The Dundalk, Carlingford, and Grenore Company?—There is no indication of it whatever, excepting the appointment of three of the directors: in the other Bill there is.

2172. Do you know whether, in the notices of the Dublin Metropolitan Company, there was any reference to the power sought by the London and North Western Company?—I believe there was.

2173. Supposing that a well drawn report refers to the suggestions and information of the Board of Trade, does not that meet one of the complaints which you make?—Yes.

2174. Mr. *R. Hodgson.*] Did the Board of Trade refer to this power sought in

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in the Dublin Metropolitan Bill?—I have not seen the Report upon the Dublin Metropolitan Bill, but I think that the Report upon the Dundalk and Carlingford Bill did so.

2175. Mr. *Paull.*] Is it not generally the case that, after the Committee have announced that the preamble is proved, the clauses are then passed between the Parliamentary agent and the Chairman of the Committee?—Generally, unless there is some very strong point of principle which is thought worth discussion.

2176. Colonel *Wilson Patten.*] In representing canal interests before Committees of the House of Commons, have you found yourself labouring under any disadvantages, in consequence of the rules with regard to *locus standi* before Committees?—Very materially; we have very great difficulty in getting heard. Bills for amalgamations, for the purchase of canals, and the purchase of railways, and for leases, and subjects of that general character, are often passed, and we have the greatest difficulty in getting heard.

2177. Can you point out to the Committee in detail some of the instances in that respect?—We have had many instances; at this moment I do not exactly recollect them.

2178. Will you state the nature of the instances?—This is an instance: a railway company has obtained power to amalgamate with a canal; the railway, we will say, as an illustration, runs from Manchester to Leeds, the canal is also in that district. Powers are afterwards sought to lengthen that railway, to carry it into another district altogether, which gives it a much greater length of line. That which would be fair, so long as the railway remained a short railway, limited to a particular district, becomes essentially unfair to some interests the moment you lengthen that railway.

2179. In what way; in the way of increased competition?—No; I will take, for instance, the Liverpool and Manchester Railway. The Liverpool and Manchester Railway Company having a railway between Liverpool and Manchester are in competition with the Duke of Bridgewater's canal; at Manchester, the Duke of Bridgewater's canal joins another canal which goes, we will say, to Huddersfield; consequently, traffic coming from Liverpool to Manchester either by the Liverpool and Manchester Railway, or by the Bridgewater canal, may be afterwards sent as the parties please along that canal onwards to Huddersfield; but the London and North Western Company ultimately get power to extend their line to Huddersfield, and it then becomes their interest to take the traffic entirely off the canal, and to carry it along their own line the whole distance; I give that merely as an illustration.

2180. Do you allege that you could not get before a Committee of the House of Commons in opposition to that Bill?—We should be liable to be told that we had no interest whatever; that our land was not affected by the works, and that although indirectly a very great injury would be sustained by us, yet directly we had no *locus standi.*

2181. You do not complain of that simply as a hardship upon canal interests, but it would be a similar hardship upon two railway companies similarly situated?—Yes; and in fact it would be a hardship upon the public at large, because their general interests are affected by it.

2182. Then what alteration in the rules would you suggest?—I should propose to make *locus standi* very wide; I should like to lay it down as a *primâ facie* rule that a *locus standi* should be given to every person who could allege a grievance, leaving it to the Chairman of the Committee, presuming him to be well experienced in these matters, to say "your opposition is vexatious, and we will not hear you."

2183. You would make each party state, in the first instance, the grounds upon which he proposed a *locus standi?*—Yes; and I should construe it in a very wide and liberal sense.

2184. But how are you to place any limit to a *locus standi,* if the case which you have now suggested, would give you one?—It is very difficult to place a limit; it must be the question of vexatious opposition which should be the limit. If the Chairman saw that the opposition was vexatious, it should be in his power, in my opinion, to say, "we will not hear you." Unless it is vexatious, I think that great injury is sustained by the public, and by all parties by the present limit.

2185. You yourself would always admit competition as a ground of *locus standi?*

standi?—I think that if the promoters of undertakings are liable to have a very large number of opponents appearing against them, competition should be conceded to them as a ground for their opposing other schemes. I would certainly let competition be a ground of *locus standi*, but of course it would be looked upon at all times with very considerable caution by a Committee. I do not think that, as a rule, competition would have very much weight, but I still would admit it.

2186. You, I believe, represent here a variety of interests?—We both promote and oppose Bills, and the interests are large.

2187. But you here represent the canal interest generally, that is to say, a number of canals?—Yes.

2188. Do you speak upon that point from instructions from them; do you know whether that is the opinion generally of the canal interest?—I do not think that there was any special instruction upon that particular point.

2189. Mr. *R. Hodgson.*] Do you know the 117th Standing Order?—I am perfectly aware that the Standing Orders do not limit the *locus standi*, but the practice is to limit it.

2190. Let me read to you Standing Order No. 117, and ask you a question upon it. The Order is this, "It shall be competent to the Committee on any Private Bill, to admit petitioners to be heard upon their petitions against such Bill on the ground of competition if they shall think fit"?—Yes.

2191. Is that Standing Order wide enough?—The Standing Order is wide enough, but the practice upon it is not.

2192. Mr. *Liddell.*] Is it not competent to any persons, the promoters or opponents of a Bill, under that Standing Order, to claim to be heard; who would have the power to refuse them?—I can state positively that we have several times been refused.

2193. By the Committee?—By the Committee.

2194. Mr. *R. Hodgson.*] The Committee and you differed as to the grounds of *locus standi*?—Yes.

2195. Mr. *Puller.*] Would you make it compulsory on a Committee to hear you?—No; I would let it be an understood rule amongst the Chairmen of the Committees that *locus standi* should be very wide, leaving it still in the discretion of the Chairman to hear a party or not; but so long as it is an understood rule amongst them, as I believe it to be, that *locus standi* is comparatively limited, so long they will naturally act upon that principle.

2196. Mr. *R. Hodgson.*] I see that you distinguish between the Chairman and the Committee; would you leave the decision as to the *locus standi* of a petitioner in the hands of the Chairman alone?—I should be quite willing to do so, provided the Chairmen are permanent officers.

2197. Would you recommend that?—I think I should.

2198. Mr. *Adair.*] That is to say that they should be permanent officers?—My feeling would be very strongly in favour of having a number of chairmen appointed by the House, and if necessary paid chairmen; they being men of decided ability and decided experience, and I think that it would be a very great guarantee to us all, whether promoters or opponents of Bills, if such were the case, and the question of *locus standi* I would leave absolutely to the Chairman.

2199. Mr. *R. Hodgson.*] In case the House should not have permanent Chairmen, or paid Chairmen, do you still propose to leave the decision of the question of *locus standi* to the Chairman alone?—No.

2200. Mr. *Liddell.*] Is the opinion which you have just expressed, commonly entertained by the gentlemen in your profession?—I believe it is; I have often heard it discussed and never heard a dissentient.

2201. Mr. *R. Hodgson.*] Which opinion is that?—In favour of having what may be called permanent Chairmen.

2202. Mr. *Paull.*] Do you think that in cases where parties failed to obtain a *locus standi* it would be advisable to permit them to send to the Committee a *resumé* of the evidence which they proposed to offer; to tender themselves as witnesses, and for the Chairman to examine them, as before Public Committees?—I think advantage might arise from a short *resumé* being given; we have sometimes lost our *locus standi*, I admit frankly, from the defect of counsel; they have not explained the case properly, and therefore a very short and concise *resumé* might be of use; but as a rule I should not like anything

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to be sent privately to the Chairman; I think that he ought not to receive it.

2203. What I mean is that in the event of parties failing to obtain a *locus standi*, and to be heard by counsel in opposition to the preamble of a Bill, it should be competent to them to send to the Committee, not a private document, but a document sustaining the heads of the evidence which they proposed to offer, as is now frequently supplied, like that from which the honourable Member for Lancashire has just examined you, and that then the Chairman should examine the opponents as witnesses only?—Yes, I think that that might be advantageously done; I should be in favour of it.

2204. Colonel *Wilson Patten.*] Has the question of costs been considered by the parties whom you represent?—It has.

2205. What opinion have they formed upon that subject?—The opinion which they have formed upon the question of costs is, generally, that if costs were granted to opponents, a number of small attornies in the country would be constantly coming up upon the chance of getting their costs, and would be fighting every question upon every Bill. We feel that the only practical way of granting costs would be, in some respects, perhaps, an apparent injustice, but still it seems to us the only practicable mode, namely, never to make promoters liable to costs, except in cases of renewed applications to Parliament, year after year, for the same thing, after they have been rejected, and to make opponents liable to costs in the discretion of the Committee.

2206. Do you think that that would be fair?—Although we are frequently opponents, we think that that is the only practicable method; in theory it is not fair, but in practice I think that it would be fair.

2207. Would not that subject common opponents to expenses beyond what is reasonable; for instance, if a landed proprietor wishes to object to a line which proposes to cross his property, if he is allowed to be subject to costs, is it not unfair?—I think not, because you must take the general principle that, as a rule, Bills would not be presented to Parliament unless some public interest was involved in them; and I would put costs against the opponents in the discretion of the Committee; the Committee would not grant them unless they thought it reasonable to do so; we should not at all fear this, although we are more frequently opponents than promoters.

2208. If a landed proprietor, as an individual, was affected by these wealthy Companies, do you think that the liability to costs would be a fair expense to which to subject him?—We think so; we think that any other principle would multiply the number of opponents to every Bill enormously. If there was a chance for a small attorney in the country to get costs granted to him, the opposition to every Bill would be multiplied to a great extent.

2209. Mr. *R. Hodgson.*] Would it not satisfy you if the opponents were only liable to costs in the event of their pursuing the promoters to the second House, and there failing also?—Yes; I am not proposing costs, I am stating that we should not object to costs if they were upon that principle.

George Parker Bidder, Esq., called in; and Examined.

G. P. Bidder, Esq.

2210. *Chairman.*] YOU have had considerable experience in promoting and in opposing Private Bills in Parliament?—Yes, for 38 years.

2211. You have yourself been a promoter of a good many of the undertakings which are sanctioned by Private Bills. have you not?—Yes.

2212. We have been told that the present system of dealing with Private Bills is more expensive than it need be, and is not satisfactory to the public; what is your view of those points?—I think that the expenses might be cut down. With regard to satisfaction to the public, my impression is that the present Committees give as much satisfaction as any tribunal which will ever be framed.

2213. You think that the Committees as tribunals are satisfactory?—Yes. I do not mean to say that the decisions on all occasions are right, because no one has any right to expect that from any tribunal, but there is one satisfaction which we all feel who have any practice before Committees, namely, that we have the contest fairly fought out, and although we often retire defeated and dissatisfied with the conclusion, yet, on the whole, we feel that we have had a fair and an uncontrolled hearing.

2214. Colonel

2214. Colonel *Wilson Patten.*] It is a fair fight, and no favour?—Yes.

2215. Mr. *R. Hodgson.*] On the whole, you think that substantial justice is done?—I think so. I have seen a very different state of things when Committees were canvassed like the House, and also when there was an intermediate stage when the panel was partly independent and partly local, till we have arrived at the present state of things. As regards the tribunal, although we are sometimes very much surprised at the decisions, nobody ever questions the integrity of the tribunal, and the desire to do justice. I have never known but one case where it was questioned, and in that case the allegation was satisfactorily refuted.

2216. *Chairman.*] You have stated that you think that the expenses might be reduced?—I think so. I think that the inquiry in many respects now is allowed to be diffuse; there are many needless forms. Some of the forms might be curtailed without any sacrifice of public rights. So far as that is concerned, no doubt it would be desirable if it could be effected.

2217. Will you state to the Committee, in your own way, what changes you would propose with a view to the reduction of expense?—With the permission of the Committee I had better, perhaps, take the proceedings on a Bill *ab initio.* At present we give, in November, the Gazette notice, and notices in the local papers, of the intention to apply to Parliament. Honourable Members are well aware that the House seldom concludes its labours before the end of August; there is then the long vacation, in which it is impossible to get any legal assistance till the end of October, and the result is, that, in the initiation of measures, there is not time to mature them, and that the notices given are on that account generally made much larger than they otherwise would be. In a line of railway you give a great many more parishes than you will ever go through, on purpose that none shall be omitted. In former days I have known the notices include all the parishes in the county; of course that is no information; if you give too much it is as bad as giving too little. The notices in the Gazette and the local papers are a great expense, and I believe that they are of no practical benefit. I would require the parties in November to give in the local papers a short notice of their intention to apply for a Bill for a line from A. to B., and that they will also seek for other powers. Then on the 30th of November they would lodge their plans and books of reference according to the existing Standing Orders. In the first publication after the 30th of November, both in the local papers and in the Gazette, the parties should give an exact notice of what it is they intend to apply for, including the precise powers which they intend to apply for, and the parishes through which the line passes, neither more nor less. I would make it a Standing Order objection to include a parish which is not gone through, as well as omitting a parish which is gone through. The result of that would be that you would have a better notice; a considerable amount would be saved in advertisements, and that benefit would accrue to the promoters, and no party, that I can see, would be misled from the want of any information to enable them to judge of what proceedings they should take. On the 30th of November we have to deposit our plans, and if we fail at 12 o'clock on the night of the 30th, the deposit is good for nothing. The result of that is that we frequently deposit imperfect plans. I have had to sanction deposits which I knew were imperfect; we cannot control the persons who are under us; they will work up to the 30th of November. I have often tried to get my plans ready two or three days before, but never could succeed; they always work to the last minute. Generally I admit that we get the plans very perfect, but occasionally they are imperfect. We lodge an imperfect plan; it is immediately visited by our opponents, and Standing Order objections are made which it often costs us a good deal to get rid of before the hearing before the Committee. I know that in this Session a man was asked to name his own price for a piece of land which was omitted from the book of reference, and offered three times its value if he would withdraw his petition. That is no benefit to any party. I would give the promoters two or three days' grace, and make them pay 100 *l.* a day. The advantage of that is, that one or two days' loss of time is really not material for those who want to see the plans for any practical purposes, and we should be able to punish the surveyor or the lithographer who had caused the delay; at present we cannot do it, we are obliged to lodge the plans, and whatever the result is we have no remedy at all.

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2218. Then, if I understand you rightly, if the plans were not deposited on the 30th of November, the promoters would be entitled to purchase a few more days?—Yes, I would limit them to three days.

2219. At the rate of 100 *l.* a day?—Yes.

2220. By that mode, I suppose, they would be able to impose a fine, as it were, upon the agents who had failed to have the plans perfect by the 30th of November?—Yes; I know in this very Session a Bill, where it has cost us, I should think, 2,000 *l.*, to get rid of petitions, rather than be put back by the delay. The Standing Order Committee would otherwise put us behind a rival Bill; some of the errors were known before we made our deposit on the 30th of November, but we could not correct them. In fact the lithographer had omitted to put in the corrections which were in the proofs.

2221. Then you are very often obliged to buy off opposition at a very heavy price?—Yes; therefore, any facility of that sort, which you could give without preventing the public getting due notice of what is going on, I am sure would save expense in the end.

2222. Mr. *R. Hodgson.*] Is it not frequently an object with companies having competing schemes to run the deposit to the last moment, and not to lodge their plans until the last moment?—I think not. I never knew that; nobody ever does lodge a plan until the last moment. There may have been a case to the contrary; but I never knew a plan lodged until the 30th. If you had the plans ready, you would not lodge them until the 30th, and then you must lodge them.

2223. Supposing there are two companies promoting schemes, which are competing with each other, would not the three days' grace have the effect of making each take advantage of the whole three days' grace, in order that one company might not deposit their plans before the opponents deposited theirs?—It is possible that that might arise; at all events, they would not lodge them in that case, until they were quite satisfied that the plans were perfect; but if the plans were perfect, as far as I was concerned, I should save my 100 *l.*, for I am quite certain that with the one or two days, with the energy which parties apply to these things, a competing company would never be prevented from getting up its case.

2224. *Chairman.*] What is the next step?—The next step is the presenting the petition, which is accompanied at present by a statement in conformity with the contract deed, and by a deposit of money, namely, eight per cent. on the estimates. That is a great expense, especially upon existing companies; why it it is put upon them I really cannot say, because if they carry the Bill, their dividends are answerable for giving effect to the decision of Parliament. All that you want is, that parties shall not apply for Bills and then sell their powers, and deceive landowners; you want effectually to take care that the time of Parliament shall not be occupied in measures which are not got up for a *bonâ fide* purpose. I think that if you take a bond from substantial parties, even, say, bankers, for the due execution of the powers if they were conferred, you would have a greater check than by depositing the money; at present, the cheapest way in which we can do it is, by borrowing money of a banker, and paying the current rate of interest.

2225. Mr. *Adair.*] What do you propose should be the amount of the bond; should it bear a proportion to the capital sought in the Bill?—Yes, certainly.

2226. What proportion?—Parliament has settled the amount at eight per cent.; I think that eight per cent. is a very effectual protection.

2227. Do you think that you would find bankers willing to give these bonds?—Yes, but they would take care that they were secured; they would not give them, except they were backed, and were dealing with respectable men, and had some effectual security; that is where I think you would have the best check; I do not think that it would answer the purpose of any banker to give a bond excepting for *bonâ fide* parties, even though they were secured against loss.

2228. Mr. *Puller.*] Who is to put the bond in force?—I suppose the Board of Trade.

2229. Is it not now the case that the deposit money is secured by a bond which is taken by the Treasury?—When the money has been deposited, it is quite usual to take it out on giving a bond to the Crown.

2230. Have you known that bond enforced?—I have never known a case;

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on the other hand, I do not know that the occasion has arisen in which it should have been enforced; the measure may have been carried out; I do not know that the bond has been enforced, but that does not prove that it has not been.

2231. Mr. *Paull.*] Have you not heard of a Bill being promoted for the purpose of reviving lapsed powers?—Yes, but I do not know whether the powers had lapsed so as to make the penalty leviable.

2232. You do not know any case where the number of years during which the powers were to exist have lapsed without a sod being turned, and where a fresh Bill has been promoted for the self-same thing?—No, I do not, but I have no doubt that there are cases. What I think has been the practice is this: Supposing that two years have been given for the purchase of land, parties have allowed the two years to elapse, and have come in the third year for an extension of time.

2233. Mr. *R. Hodgson.*] You contemplate a bond which is to be enforced?—Yes.

2234. Mr. *Adair.*] Is the deposit under the present system produced in some cases by banks or bankers?—Both by banks and by bankers.

2235. And in some cases high premiums are contingently paid as well as a high rate of interest?—No doubt. I have not had any such case myself.

2236. Therefore such being the case, is the deposit any proof of the respectability and *bonâ fide* intention of the parties who make it?—As I have said, I think that it has failed in that respect to some extent.

2237. Are you aware that a Committee of the Chairmen in this House in 1861 passed a unanimous resolution, that in their opinion the deposit was no evidence of the financial security of the scheme?—Yes.

2238. Mr. *R. Hodgson.*] This deposit is paid on the 15th of January, is it not?—Yes.

2239. Previously to that there is a form which you have to go through; by the 15th of December you have to give notices to landowners?—Yes.

2240. Can you tell me whether the schedule attached to the notice to the landowner could be, without detriment to the recipient, omitted from the notice given by the company?—No, I do not know that it could; but I think that it would be far better if, instead of that, you sent him a tracing and nothing else.

2241. Do you think that that schedule is calculated in some cases to mislead the proprietors?—It is calculated very much to give him in many cases no information at all. In former days a course was adopted which I think might even now be pursued with some advantage; in the years 1825 and 1826 there were no notices sent to landowners, but you were required to wait upon every landowner, and to take the plan with you, to explain the thing to him in person, and to take his decision there, and to send in that decision to Parliament. Of course you could not do that by the 15th of December, but it had great advantages, and it is a thing which is quite practicable; I have done it myself as a young man.

2242. Would it be practicable on the 15th of December to send a tracing in lieu of this schedule?—Yes.

2243. Do you think that it would give more accurate information to the proprietor than the schedule?—I should think that it would.

2244. Do you think that it would be advisable to substitute a tracing for the schedule?—Yes.

2245. Do you think that it would be more expensive to the promoters?—It would be less expensive, I think.

2246. Then you would propose that the notice should be given, accompanied by a tracing of the railway through the proprietor's land, in place of a schedule attached to the notice?—Yes.

2247. *Chairman.*] There is always a certain power of deviation?—The limits of deviation would be marked on the plan.

2248. With regard to the present deposit, if I understand you rightly, you would give the promoters the option of either paying the money as at present, or substituting a bond from bankers, or some substantial party?—Yes; I should prefer a bond.

2249. And you mean it practically always to be enforced if the parties fail to execute the powers which Parliament has given them within the time allowed?—Yes;

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—Yes; I think that neither bond nor money should be enforced in the case of a Bill promoted by an existing company. A great many Bills are being drawn every year in which the old companies are assisting landowners with extensions; they are becoming more frequent every year, and in those cases every facility should be given, where all the parties are concurring; you would have at the back the railway company, and I would let the railway company give a bond in that case, that if the powers were gained they would see that the line was made. We, the Great Eastern Company, have laid down a rule that we will subscribe a third to any project which is taken up in the locality, and will work it at 50 per cent. We take care to see that the parties who apply to us are *bonâ fide*, and have the means at command. In that case if the railway company gave a bond it would be the very best security which Parliament could have that the scheme would be carried out without putting the landowners to the expense of finding the deposit.

2250. Mr. *Paull.*] Supposing the bond to be enforced, what would you do with the money?—You might pay it to the fee fund.

2251. Why?—I do not know what else you are to do with it; or you might let it go to the Chancellor of the Exchequer's surplus, if you liked.

2252. Is not the origin of the deposit the protection of the landowners, namely, that they should not have particular portions of their land allocated without being purchased, but to oblige the purchase of them?—No; one object no doubt was to prevent landowners having their property held up in a state of uncertainty until it is known whether the measure will be proceeded with or not; I think that another object was that parties shall not apply for measures which they merely intend to sell when they are got; Parliament meant that the line should be carried out.

2253. You think that that was the object of Parliament in requiring the deposit?—I only give my supposition.

2254. When you propose to have this deposit made under different circumstances, I wish to know whether it is to be a penalty which is to be imposed, because the powers which Parliament has granted have not been exercised, or because the public have not had the benefit which was promised them, or because the landowners have not had their land purchased; for which reason are you going to enforce the penalty?—I would take them all together.

2255. Mr. *Adair.*] Can you suggest any more efficient way of dealing with the bond than to make the money on the non-completion of the powers of the Act absolutely forfeited to the Crown, and paid into the Consolidated Fund?—No.

2256. The consequence of that would be that it could not be released except by an Act of Parliament?—Just so.

2257. Mr. *Puller.*] You have been asked whether the schedule is not sometimes calculated to deceive the landowners?—It is.

2258. You propose to substitute for it a tracing of the plans?—Yes.

2259. Would not that deceive the landowner just as much?—It is possible, for I have known landowners who really could not read a plan.

2260. What I mean is this; the schedule deceives the landowner, because where it is said that there are so many feet cutting, there may be within the limits of deviation so many feet embankment?—Yes.

2261. Would not that be the same with a tracing?—No, because if you sent down to a landowner a tracing of his field or estate, he has in his parish the parish deposit; if he goes to that with his tracing, he can identify it, if he can read a plan at all; if he cannot read a plan at all, it is of no use sending a tracing to him; but if he can, then with the tracing he can see the whole bearings of the case upon his property.

2262. He can see exactly what the proposed line will give, but he cannot see what a line within the limits of deviation will give?—Nobody can tell him that; the notices do not give him that.

2263. Mr. *R. Hodgson.*] He could see more by the tracing than he could by the schedule?—No doubt. For instance, you are obliged to give the height of a cutting; it may be in a pond, it may be in a ravine; it gives the landowner no information respecting his property, whereas if he had a tracing and went to the parish clerk, and compared the tracing with the plan, he would have the means of obtaining the very best information possible.

2264. Mr. *Adair.*] In your opinion a tracing would be more likely to enable him

him to realise the work when completed, than he can do under the present system of notice?—Undoubtedly. You would not send him any tracing of the section, where the line did not pass through his property; for instance, sometimes in the case of a field, only the corner is within the limits of deviation; you would send him that piece coloured, and then he could go to the parish plan.

2265. *Chairman.*] It has been stated by a witness that the notice without the schedule would cost about 2 *s.*, and that with the schedule it now costs 15 *s.* for each landowner; what do you suppose would be the cost of the notice with your tracing?—The promoters would make a bargain with the lithographer to trace the land. Taking one with another, I should think that the cost of the tracings would be 1 *s.* 6 *d.* a piece.

2266. Then there would be 1 *s.* 6 *d.* in addition to the 2 *s.*?—1 *s.* 6 *d.* would be all that was necessary, taking one notice with another.

2267. Do you think that it could all be done for 1 *s.* 6 *d.*?—Yes.

2268. Mr. Coates has said that the notices in the case of the Midland Bill now before Parliament, cost, in consequence of the schedule, about 6,000 *l.*, whereas they could have been done for 800 *l.* without the schedule?—The tracing would not cost more than 1 *s.* 6 *d.*, taking one with another; that would be abundant.

2269. It would be much less than the schedule?—Certainly. The solicitor, I think, has a certain scale of charge. I think it is 6 *s.* 8 *d.*

2270. Mr. *Adair.*] The charge for the notice being payable to the solicitor would be the same, whether it was accompanied by a tracing or by a schedule?—Yes, excepting that if you sent a tracing the notice would simply be, "I hereby enclose to you a tracing of the mode in which the proposed railway from A. to B. passes near or through your property, and for further information you are referred to the parish deposit, or "the deposit with the Clerk of the Peace," that is all that is necessary.

2271. There is more intellectual exertion attending a notice accompanied by a schedule than attending a notice accompanied by a tracing?—I do not think that there is much intellect in either.

2272. Mr. *Puller.*] Why does the schedule cost 15 *s.*?—It is impossible to say. I know that generally speaking a great part of the expense to which we are put is really for mere formalities which are of no use to anybody; it has always been so from the commencement of my experience.

2273. *Chairman.*] After the Bill enters the House, do you suggest anything with a view of shortening the proceedings or facilitating the proceedings before the House?—Before you arrive at that question, there is one other point which, with your permission, I will mention. I think that it should be one object of Parliament that parties promoting Bills should not themselves be misled. Now, the estimates have always been a tender subject with Parliament; I have never yet, I believe, succeeded in throwing out a Bill upon the estimates; it used to be formerly a point with the petitioners that the Estimates were insufficient, but you never could persuade a Committee to take it up at all. I myself think that it is important that parties, and perhaps landowners, who are led into a measure which they think is for their benefit, should know what the real expenditure is. I think that the estimate should be in four or five heads: so much for land, so much for earthwork, so much for bridges, so much for permanent way, and so much for contingencies, including the application to Parliament. I think that if that were done, and there were opponents who chose to oppose the Estimates, it would give them the means of testing them, and I think that, if necessary, they should go to the Board of Trade, for instance, prepared to contend that the earthworks were insufficient, or the permanent way, or such and such a head. I think that that might be referred to two or three engineers, and that the expenses of the inquiry which should settle that point should be incurred before coming into Committee. As regards the Committee upon the Bill, if the estimate is questioned, you are sure to have as much evidence on one side as on the other.

2274. Mr. *R. Hodgson.*] All sorts of evidence?—All sorts of evidence.

2275. Are you applying that observation to engineering evidence?—No, but you have it very strongly upon estimates.

2276. Mr. *Adair.*] Your proposed antecedent examination refers to the

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estimate only, and does not comprehend the deposited plan?—Just so, only a matter of fact.

2277. *Chairman.*] You would withdraw that matter from the consideration of the Committee?—Yes, entirely upon the application of the parties, the Committee would then have a report, saying, "We find that the estimate is sufficient," if that was the finding, and in that case the party who procured the inquiry should pay the costs of that reference.

2278. Mr. *Adair.*] Before whom should that investigation take place, the Examiner on Standing Orders?—No, the Board of Trade now make a report to the Committee upon every Bill, the Board of Trade should be put in motion upon that point. If parties applied, saying, "We object to this estimate," the Board of Trade would then let the parties appoint an engineer each, and the Board of Trade would appoint a referee. Any competent engineers could settle the matter in two or three days, they would then report to the Board of Trade, "We find that the estimate is sufficient," or insufficient "upon such and such a head," and the Board of Trade would embody that in their report. It need not throw out the Bill, but it could be said to the promoters, "The capital instead of 100,000 *l.* should be 150,000 *l.*; are you prepared to go on upon that footing?"

2279. Mr. *Liddell.*] You consider a Parliamentary Committee to be incompetent to judge of the accuracy of estimates of this description?—They can only be bound by evidence. A great deal of the evidence which is brought before a Committee would never be brought before an engineer at all, parties would not have the face to do it, and there has always been a disinclination on the part of Committees, as far as my experience goes, to test the estimate. In the same way I never could get a Committee to test the contract deed.

2280. Mr. *Adair.*] When the opponents declined to contest the estimates or the engineering of a proposed scheme, is such a point ever within your knowledge taken up by the Committee and examined into by them?—I have never known it myself; I think that I have heard of a case, but only incidentally; I cannot refer to it; but now that you mention it, I believe that I have heard of a Committee who on some one occasion did it; and I believe that they threw out the Bill, but I am not certain.

2281. Mr. *R. Hodgson.*] You think that the present investigation by a Committee into the sufficiency of the estimates is fallacious?—I do not say that it is fallacious.

2282. You think that it is imperfect?—Yes.

2283. In your opinion it would be more perfect if, in the place of the Committee, the umpire were an engineer appointed by the Board of Trade as between the contending parties?—Yes.

2284. Mr. *Massey.*] Because you think that there is no person on the Committee competent to decide between the conflicting evidence of engineers?—It is just the same as when we have a railway company quarrelling with a contractor. If it is referred to a barrister we know perfectly well the result; he has evidence on both sides; the contractor puts up his case as high as he can, and the company put their case as low as they can, and they know that the barrister will average the thing very nearly, because he cannot judge of engineering evidence. In the same way before a Committee you have conflicting evidence on both sides, and upon which side the weight should attach they do not know; we do know. I know the price of a piece of work; one man says that it will cost 1 *s.* 6 *d.* a yard, and another man says that it will cost 9 *d.* You have as many witnesses on the one side as on the other, and the Committee are always naturally, within my experience, inclined to side with the promoters.

2285. Mr. *Adair.*] If you had permanent Chairmen, would it be beyond their power to examine into the sufficiency of the estimates, and into the engineering merits of the line?—I do not think that that would be desirable.

2286. I refer to Chairmen who have directed their attention solely to railway inquiries?—Unless the Chairman has the means of knowing what the lines actually cost, and how they are carried out, I do not see how he is to become possessed of that information.

2287. The information would be acquired by his capacity to examine the contractor and the engineer?—Yes; but then he has not the experience.

2288. But if he were a permanent servant of the House, he would have an opportunity and an inducement to acquire the necessary knowledge?—I should doubt that. I do not think that you can get that kind of knowledge without having

having the actual experience. Supposing that parties afterwards came before you, having exceeded their estimate, they always put it upon anything but an error in the original estimates.

2289. At all events, would you not come more nearly to the matter by the plan which I mention than under the present system?—I cannot say.

2290. Mr. *R. Hodgson.*] You mean that the engineers should occasionally inspect the line, I suppose?—They would take what course they thought fit.

2291. They would not be precluded from doing so?—No; but a Committee cannot do that. I have known a case which occurred a long time ago, and which I mention just to show how difficult it is to get a Committee to obtain the impression which we obtain who are daily conversant with these things. I took the Chairman of a Committee down to Croydon, to examine a plan and section which the Committee were going to inquire into. The plan and section had been altogether fabricated in an office; the parties had never been on the ground at all; and although I had the Chairman down, and showed him that they ought to begin in an orchard, when they actually commenced in a fish pond, the Committee nevertheless heard that case, as if the plan had been the most perfect in the world.

2292. Mr. *Liddell.*] Are you of opinion that the withdrawal of these questions of the engineering and the estimates, and that class of questions, from the consideration of the Committee, would tend materially to shorten the proceedings of that Committee, and consequently materially to lessen the expense of obtaining a Bill?—In some cases it would, but I advise any parties whom I do advise, never to go into the question of estimates at all, and to save the expense; many others do enter into that question, and I have never seen any effect result from it; I think that the course which I suggest is desirable on another ground, namely, that the parties promoting lines (and there will be hereafter a great many branches proposed by persons for their own advantage, and the advantage of the district,) would have the means of knowing to the full extent the liability under which they come.

2293. But you would be perfectly satisfied that disputes arising upon these subjects should be settled by preliminary arbitration, as it were, before the Board of Trade?—Yes.

2294. Mr. *Adair.*] Have you ever known a line thrown out on its engineering merits?—I have known many lines carried in spite of their engineering demerits.

2295. Have you ever known a line thrown out on its engineering merits?—We cannot say, because we do not hear the discussions on the other side of the table; we know that we are thrown out, but we do not always know why.

2296. As far as that can be ascertained by the outside public, have you ever known the rejection of a Bill which has been alleged to have taken place from the defective engineering of the line?—I cannot call any case to my mind at this moment.

2297. Mr. *R. Hodgson.*] That is done upon the Standing Orders, is it not?—That is not on Standing Orders; the Stone and Rugby Bill cost us 10,000 *l.* to pass through Standing Orders; we were there for 22 days, and there was not a question raised which was worth 5 *s.* I remember the case of a railway going through a churchyard, which was entirely omitted from the reference, and I could not throw it out upon the Standing Orders.

2298. Colonel *Wilson Patten.*] The objections which you have just raised do not apply to the present system?—No, the inquiries as to compliance with the Standing Orders are now conducted in a much better manner.

2299. *Chairman.*] Have you known a great deal of evidence taken with regard to estimates lately?—Yes, within the last two or three years.

2300. And evidence taken by the Committees with regard to the sufficiency of the estimates, which would not have been listened to for a moment by engineers?—Just so.

2301. Do you think that Committees are not good judges of the evidence which is required in order to show that the estimates are sufficient or satisfactory?—They cannot be, unless you put some of the contractors and engineers who happen to be Members of the House, on that Committee.

2302. Mr. *Adair.*] In cases of contested estimates, is not the witness who produces them examined by the counsel who opposes them, the counsel being prompted in his questions by an engineer?—Yes.

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2303. If that be so, if there is a determination to examine into the question, why is the system so excessively deficient?—Because, as I have already said, in the first place, Committees naturally are disinclined (I have found them so) to entertain the question of estimates, and when it is brought before them the evidence is generally so conflicting, and so equally balanced in apparent weight, that unless the Committee have actual experience they cannot decide between the parties. Supposing there was a legal point argued before me as a layman, I might come to a decision; but it is quite certain that my decision would be worth nothing. You must go to a judge to decide a legal point, and you ought to go to an engineer to decide an engineering point.

2304. Is it not within the power of any Committee to require an examination, through the means of the Board of Trade, of any point of engineering or of estimates which they think right?—Not that I am aware of; I never knew the Board of Trade employed to inquire into estimates. I have known them employed to inquire into the crossing of roads, and a variety of things of that sort; but I doubt whether they have ever made an inquiry as to estimates. Whether the Committee have the power to do so, I cannot say; you are a much better authority upon that point than I am.

2305. Mr. *Puller.*] Do you consider that a preliminary inquiry by the Board of Trade as to the estimates would be a diminution of expense?—I am not sure of that; if the estimates were going to be disputed, it would be undoubtedly a great diminution of expense, because the Board of Trade could fix the fee for the inquiry.

2306. Mr. *R. Hodgson.*] But you only propose this inquiry under the Board of Trade to take place where the estimates are contested?—Upon the opponents contesting the estimates, then the Board of Trade should cause this inquiry to be made, and if the party moving the Board of Trade were wrong, they should pay all the expenses of it.

2307. Mr. *Puller.*] That inquiry would require the attendance of the engineer who was to decide the question, the engineer who had made the estimates, and the engineer who opposed the estimates?—Yes.

2308. Would not those two engineers also be obliged to attend before the Committee of the House?—Yes.

2309. Mr. *Paull.*] Does your observation, respecting the incompetence of the Committee to decide upon estimates, apply to any other portion of the inquiry before the Committee?—I have already given the highest opinion which I can give of Committees; I do not myself wish for a better or fairer tribunal.

2310. *Chairman.*] Before you come to the second reading of the Bill, have you any suggestion to offer as to what might be done. I suppose that the inquiry respecting the estimates would take place before the second reading of the Bill?—I do not know that the inquiry need take place before the second reading. I think that the only point which you have to provide for is that the parties who allege the insufficiency of the estimates, should do it early, soon after the petition is lodged, so that there should be no delay in the proceedings of the Committee; I think that the report upon that matter might be given to the Committee, and have nothing to do with the second reading.

2311. Mr. *Adair.*] It would be an unnecessary expense if the Bill were thrown out upon the second reading?—Certainly.

2312. Therefore, would it in your opinion be desirable that the inquiry should take place, where the estimates are contested, immediately after the second reading?—No, it should be before it, in order to avoid delay; the circumstance of a Bill being thrown out on the second reading is not a very usual occurrence; the parties who were moving for the inquiry into the estimates would most likely be those trying to throw out the Bill upon the second reading.

2313. Mr. *R. Hodgson.*] And they would be incurring expense all the time, whether that inquiry was going on or not?—Yes.

2314. *Chairman.*] What steps do you suggest should be taken before the second reading of the Bill?—I think that the votes containing notice of motion for the second reading should contain a printed statement of the allegations upon which the promoters intend to rely for sustaining their case, and the points to which they should be confined before the Committee if they ever arrive at it; I think that after the second reading the competing parties in their petition opposing the Bill should likewise make a statement to go with the

Votes

Votes containing the allegation upon which they mean to rely for contesting the preamble or for clauses; if that allegation was that the line (which perhaps is the point most irresistible on the part of a landowner) was not the right line; that the best engineering line and the best line for other purposes would be in another direction, and that it might avoid the petitioners altogether; or might go through their land in some other way which was unobjectionable; then the parties should deposit a published map; they need not go to the expense of a Parliamentary survey, but should deposit in the Private Bill office a map with a section with their petition, and the parties promoting the Bill would then have the means of knowing the line which was to be set up; there would be greater fairness, and the time of the Committee would be shortened if the matter of fact upon which that line was set up could be tested by moving the Board of Trade in the same way as with regard to the estimates; it might be said, "It is shorter;" that is an allegation which is easily proved; it might be said, "It has better gradients;" that is an allegation which is easily proved; it might be said, "It is cheaper;" that is an allegation which is also easily proved.

2315. Mr. *R. Hodgson.*] If I understand you rightly, according to your plan, when the Bill was in Committee, the Committee would have the benefit of the following documents: first, the Board of Trade's Report to the House; secondly, the promoters' allegations in support of their Bill; thirdly, the opponents' allegations against the Bill; fourthly, the engineering report to the Board of Trade on the estimates, if it were undertaken, and fifthly, the plan of the opponents presenting an alternative line?—Yes.

2316. And that you think would be an advantage?—I am sure that it would shorten the inquiry.

2317. *Chairman.*] The promoters would be required to lodge a printed statement at the Private Bill Office, divided into heads, each containing the grounds upon which they intended to rely for the support of the preamble of their Bill?—Yes.

2318. What would the opponents have to do?—To make a similar statement.

2319. Of the precise grounds upon which they intended to oppose?—Yes.

2320. And they would be limited exclusively to those grounds of opposition?—Yes, and to evidence upon them.

2321. These printed statements would be accessible to everybody who liked to obtain them at the Private Bill Office?—Yes, and they would be circulated with the Votes.

2322. Would that have to be done before the second reading?—Before the second reading by the promoters, and upon the deposit of the petitions against the Bill by the opponents.

2323. After the second reading?—Yes.

2324. Is it your opinion that the Committee would then approach the question better prepared to deal with it, or in what way would these printed statements operate to lessen the time of the inquiry, or to diminish the expense?—In the first place, I believe that the members of every Committee would read them; it would be in lieu of a great deal of the opening speech of counsel, and would enable the Chairman of the Committee, if he was firm, to curtail the inquiry by restricting the evidence and the observations of counsel to the allegations contained in the printed statements; I believe that it would shorten the speeches and would very much shorten the evidence, and if the Committee took the opponents' case first, it would very much cut down the time occupied in the proceedings. Nobody can deny that a railroad any more than a road or a canal, from any one point to another, must in itself be an advantage. The question is whether the disadvantages outweigh it.

2325. Mr. *Adair.*] You think that all railways are desirable?—Certainly, *per se*; but there are a great many cases in which it may be shown that the disadvantages outweigh the advantages. I say that *primâ facie* a railway or a road, or a canal, from one place to another, is an advantage; it may be very small; it may be very large; it may be attended with disadvantages which outweigh the advantage. I say, take the preamble as proved, subject to the opponents showing that the disadvantages ought to outweigh the advantages.

2326. *Chairman.*] The printed statement of the promoters, you say, would be in lieu of the opening speech of counsel?—To a great extent.

2327. It would in point of fact, I suppose, be the brief which the counsel would receive?—It would not be their brief.

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2328. It would be the instructions for the brief?—Yes.

2329. Would you prevent any opening speech?—No, I would prevent nothing. One satisfaction which people have, which you must bear in mind is very important, is that they have a trial, they are not what is called smashed; but whatever they have to say is heard, if they confine themselves to the record. Within the record, I would let them do just what they like, and never interrupt them; and although the decisions of Committees may sometimes be wrong, and I am quite certain that occasionally I have had a wrong decision, yet I have gone away satisfied that I have been heard.

2330. Mr. *Adair.*] The satisfaction with the tribunal depends mainly upon the feeling that everybody has a fair hearing?—Yes, that all parties are heard, at all events.

2331. *Chairman.*] You want to save expense?—Yes.

2332. You have suggested something additional to what now exists, namely, a printed statement by the promoters, and also a printed statement by the opponents, lodged at the Private Bill Office?—That is not expensive.

2333. But still it is additional?—Yes.

2334. I want you to show me where you think that additional labour will be saved afterwards?—When a promoter begins his case, he is obliged to overlay it with evidence on points which probably are never contested; that would all be saved if the opponents began. I am now speaking in the presence of Chairmen of Committees who know very well how much that takes place. On our side of the table I have always objected to the counsel cutting down local evidence. I have always said, "You must drench the Committee with local evidence, because you do not know what may be the objection." The Chairman of the Committee often nods to counsel, saying, that the evidence is quite satisfactory; up gets a landowner and meets the traffic case, and goes into points upon which the Committee have not been properly informed, and away goes your preamble; whereas, if you had occupied the time of the Committee for three or four days with such evidence you would have carried it; that occurs continually.

2335. Mr. *Adair.*] But if the Chairman has read the landowners' petition previously, is he not, to a certain degree, acquainted with the point upon which the landowner would be, in his own opinion, damnified?—I think that he is. A landowner has to do two things; in the first place, he must show that the damage which is going to be done to him is what cannot be met by compensation; then he has another thing to do, namely, to say, "Although you can compensate me, I had rather you would not come through my estate, and the line is not wanted." The Chairman cannot get that information from any petition which I have ever seen, because the petitions are generally drawn, giving as little information as possible; whereas I wish them to give the Committee the exact points upon which they mean to rely.

2336. Mr. *Puller.*] How would you bring that about?—For instance, by a statement alleging that the line is unnecessary; that it accommodates no population; that it goes through a poor district, and so on; that it is not the best line, because there is a line which is shorter with better gradients, and which could be made at less cost; that the compensation of the petitioner cannot be met by the ordinary clauses, and giving the reasons why it cannot. The petitioner would raise all those points one after another, and the promoters would then know the exact points upon which he meant to rely, and would bring their evidence to bear upon them and them only.

2337. You assume that it is the object of the opponent to keep back his real ground of opposition as long as he can. If he is obliged to make such a statement as you propose, what is to prevent his putting down all the possible grounds of opposition upon which he might afterwards rely?—It is possible that he may do so; but then I think that he damages his own case. If the Chairmen of the Committees looked at these allegations and saw that they were mere printed forms without having any specific application to the landowner's own case, I think that they would take a line of action which would show that that would be a very impolitic course for a landowner, or any opponent to pursue.

2338. *Chairman.*] The Chairman of the Committee would see at once that it was an abuse of the power which had been granted by the House, and that the statement of objections on the part of the opposers ought to be precise, and

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that his objections should be limited to the point which he really relied upon?—Yes; not stereotyped objections. Petitions now are stereotyped. You have what I mean in the inquiries as to the compliance with the Standing Orders; you are there confined to your allegations; you cannot make a general allegation that the plans and sections are all wrong. You are obliged to give, and very specifically, every case in which the Standing Orders are infringed.

2339. If I understand you, you would begin with the opponent's case?—I am certain that it would shorten the inquiry.

2340. You would call upon him to show his objections to the preamble, limiting him to the precise grounds which he had stated in his paper?—Yes.

2341. Mr. *R. Hodgson.*] And you would allow the promoters to give evidence in answer?—Yes, the Committee would say, "We call upon the promoters to give evidence upon such and such allegations," because the case of opponents, in four cases out of five, will break down altogether.

2342. *Chairman.*] Speaking from your experience, can you illustrate how such a plan might have operated in any case which you can recollect; how it would have saved expense?—I can hardly mention a case, I think, where it would not have done so. I had better not take a case which is now before Parliament. I will take the great case of the Stone and Rugby Railway Bill; it was not before a Committee of the same constitution as now, but the same sort of thing might have been done. We were 62 days in the Committee; the whole tactics were delay, so as to prevent the Bill getting through that Session. The result was, that the Bill was only reported upon three days before the House adjourned. In that case, if the opponents had commenced, their case could not have lasted above nine or ten days, and the Committee would certainly not have called upon the promoters to adduce any evidence at all.

2343. Mr. *Lowe.*] Could not the Committee have shortened those proceedings?—No. The late Sir Robert Peel was on that Committee, and he was a warm supporter of the Bill; it was, I suppose, about as powerful a Committee as ever sat; they could not, consistently with the rights of parties, curtail the inquiry.

2344. Mr. *R. Hodgson.*] When a Committee stops the evidence of the promoters, does not it, in fact, almost preclude the Committee from throwing out the Bill?—It ought to do so, but it does not. I have known many cases where the evidence has been stopped, and the Bill has been afterwards thrown out. That is one of the only cases which I know where we think that we are sometimes hardly used. I have known the promoters to have a distinct intimation from the Committee that they have brought sufficient evidence to support their preamble, and the promoters' evidence has been stopped short. I have known the opponents come in afterwards; they have learnt their case from the promoters; they have known the points which have been omitted by the promoters, but which would have been properly filled up if the Committee had not interfered, and the preamble has been thrown out.

2345. Does not it appear to be an indiscretion on the part of the Committee to stop the evidence of the promoters previously to the conclusion of the case?—No doubt it is so. When the Committee stop the evidence of the promoters, I think that they ought to pass the preamble, or that they ought to allow the promoters to supplement their evidence; then that is waste of time, again; whereas, if the opponents begin, the Committee are quite competent to say, "No case is made out why this Bill should not pass" without hearing a particle of evidence from the promoters.

2346. *Chairman.*] Before the Examiner on Standing Orders, the evidence of the opponent begins; does not it?—Yes, the promoters give mere formal evidence, and then the opponents sustain their allegation; then the promoters give evidence in rebuttal, and the examiner decides upon the matter of fact.

2347. You would have the same course pursued in the Committee on the Bill?—Yes, the promoters should give formal evidence that they are ready with their money; that they have somebody who is prepared to make the railway, and that a line is desirable to be made from A to B; then the opponents would commence with their allegations, and the Committee would then decide which allegations they considered that the opponents had made out, and would require a reply.

2348. Mr. *R. Hodgson.*] Your proposal that the opponents should commence, naturally hangs upon your preliminary proposal, that the allegations of the promoters, and of the opponents should be circulated previously?—Yes.

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2349. Mr. *Liddell.*] Can you state from memory what the costs of the Parliamentary proceedings were in the case of the Stone and Rugby Bill which lasted 62 days?—I cannot, but I know that it cost 10,000 *l.* before the Standing Orders Committee alone.

2350. Mr. *Adair.*] Were you for the promoters or for the opponents?—For the promoters.

2351. Mr. *Paull.*] Having stated so many objections to the course of practice before Committees, are you still of opinion that a Committee of the House of Commons is pre-eminently the most satisfactory tribunal before which you could appear?—Yes, in contested Bills; those which are not contested, do not come before Committees now; they are in fact settled by a department, and I think that that might be very much simplified.

2352. *Chairman.*] With regard to a landowner, if he objects to a railway, is he to be confined to his own special case?—No, I think that every landowner has a right to say that the railway is not wanted, or that a better line can be had; I do not think that you can limit a landowner be he who he will.

2353. You would allow him to make general objections to the preamble of the Bill; that there was not sufficient population, or not sufficient traffic, to justify a railway being made from A to B?—Yes, when it is proposed to take power to go through his land. Supposing that a man did that who had only a field on 10 miles of railway, and who was set in motion by a rival railway company, I take for granted that the Chairman of the Committee would make very short work of it.

2354. If a rival railway company paid his expenses, and put him up to fight the general merits of the scheme, how would you deal with that; he would do it if his expenses were paid?—That is a case which you must leave to the firmness of the Committee. The thing is very obvious where a man does that. And you have another power, namely, that if Parliament chooses it may make it illegal for a railway company so to apply its funds; you cannot do it otherwise.

2355. How would you do it?—In the first place you must make it illegal for a railway company to subsidise a landowner; the next thing is how are you to find it out. No railway company can exist long without coming to Parliament for a money Bill. As to closing capital accounts it is the greatest nonsense that ever was. As long as population increases one and a half per cent. per annum, traffic and everything else will increase with it. Stations must be enlarged, and additional rolling stock must be provided; and therefore every railway company must periodically come to Parliament for money. Therefore, all you have to do is to audit their capital account (if they have paid it out of revenue, never mind), and if that account is effectually audited, you will practically put an end to the system.

2356. Would that detect the subsidising of landowners to oppose?—Yes, the money must be paid out of capital; if it is paid out of revenue you may leave it to the proprietors; the proprietors will take care of that. But if it is paid out of capital, whenever the company come to Parliament let the capital account be audited.

2357. Have you much hope that that would be an effectual check?—If Parliament chose to enforce it it would.

2358. You would make it illegal, in the first place?—Yes; and I would give Parliament an opportunity of testing it, and of detecting the crime; that is all you can do.

2359. Supposing they find that monies had been applied to subsidise landowners to oppose schemes, what would you do?—I would have that money replaced out of revenue, so much per annum, as was done by Lord Redesdale last year in a money Bill. He found out that 50,000 *l.* had been applied to a subscription which the company were not authorised to make, and he required 1,000 *l.* a year to be set aside out of revenue to pay off liabilities to that extent.

2360. Mr. *R. Hodgson.*] Would not an easier plan be to examine the petitioner or his agent as to whether there was such a subsidy?—You generally have somebody examined who knows nothing about it.

2361. Would it not be easy for the Committee to call some other parties to ascertain whether such an agreement had taken place?—Yes, if you gave the Committee

Committee the power, I think it would, but I think you would find that it would be in some way or other evaded. *G. P. Bidder*, Esq. 20 April 1863.

2362. Would it not have this advantage, that in one case you would stop the proceeding, and in the other case you would only punish it afterwards?—Yes.

2363. *Chairman.*] With regard to a landowner opposing, not on the general ground that a railway between A and B ought not to be made at all, but upon the ground that the line proposed is not the best line, and might be improved, you have stated some plan by which the landowner should be able to point out the preferable line?—If he made that statement, I would make him deposit the sheet of the ordnance map, with an amended line upon it, and a section of that line, and then it would be capable of an immediate test, which might easily be done by moving the Board of Trade to have an inquiry made previously to the sitting of the Committee, or if it went into Committee, the promoters would bring the evidence shortly upon it without wandering all over the map, not knowing the particular line to which the landowner alluded. If the landowner says, "There is a better line," and you have not a plan of that line, the evidence must be widened very much so as to embrace any possible line which the landowner may set up.

2364. There was a Railway Bill which passed through the House of Commons last year, and was afterwards thrown out in the House of Lords?—Yes, it was the Madeley, Drayton, and Newcastle-under-Lyme Railway.

2365. That was upon the ground of Lord Crewe's opposition as a landower?—Yes.

2366. He said that a line might come through his property, but that the promoters did not come through his property in the best way?—Yes, neither for himself nor for the public.

2367. That turned out to be correct?—Yes.

2368. And it was quite right that the Bill should be thrown out?—Quite right.

2369. Supposing that Lord Crewe had made his case in the first instance in the way that you now propose by your plan of previous inquiry, how would it have worked?—It would never have got into Committee; it would have been settled before going to Committee. That Bill went through the House of Commons, and passed; the opponents did not bring the evidence sufficiently distinctly upon it. In the House of Lords the evidence was brought most distinctly; there was a plan and section in the Committee, and the opposition prevailed. The promoters of that Bill and the opponents are now in Parliament for a Railway in the same direction, having adopted Lord Crewe's line; if my plan had been adopted that line would have been deposited before the second reading in this House; the Board of Trade would have been moved, and would have sent engineers for the rival parties, and the inquiry would never have gone into Committee at all. The landowner is clearly entitled to the best engineering line, if his land is to be affected.

2370. Mr. *R. Hodgson.*] Do you mean that the Board of Trade is to examine into the merits of the line in an engineering point of view as well as into the estimates?—Yes, where a rival line is set up.

2371. Mr. *Puller.*] Do you confine it to a rival line touching the lands of the petitioner?—Or out of his lands.

2372. Any rival line?—Yes; what I believe to have been the rule of Committees is this, that if a landowner's land is to be taken against his will, he is at all events entitled to know that that is the best line which the country will afford; that I have no right to sacrifice A. in order to avoid B., but that I should make the line through B.'s property if that is the best line.

2373. Mr. *Paull.*] If that were so, what would be left for a Committee to do, except to settle the clauses?—In the first place, supposing the estimates are found to be 50,000*l.* short, I do not say that that ought to throw out the Bill; the Committee would alter the Bill, and put 50,000*l.* on to the estimates, but the parties would know that they had to provide that amount of money, and they would be obliged to give security for a corresponding amount to carry the measure out; but if it should so happen that there is a better line, and that the right line is not taken, that would be settled in the mode which I have suggested by a reference. I think that the Committee need never be troubled with that question, because clearly they ought to consider the best line. Then, supposing

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that nothing is wrong in the estimates, and that nothing is wrong in the line, the Committee have still the great question of settling whether the line is so far desirable as to outweigh the possible objection of landowners or other opponents; there still remains the great question of competing lines which must necessarily come before the Committee, and the great question between rival companies setting up lines. I think that a Committee of the House is the only tribunal which can deal with those questions.

2374. Then competition would be all that the tribunal would have to inquire into?—That would certainly be one of the points.

2375. Mr. *Puller*.] The question of which is the best of two or three lines is very often a very large and complicated question, is it not?—Not when it is raised in this way by a landowner; it would generally be as to some few miles affecting his own property.

2376. Were you present last year when the question as to the line from Doncaster to Hull was before the Committee?—Yes.

2377. There were in that case three rival lines?—That would be for the Committee.

2378. But where would you draw the distinction?—A landowner would set up a line to show that the best engineering line was not taken through his own district.

2379. I asked you whether you would limit it to that?—It would limit itself; a *bonâ fide* landowner's opposition would never be setting up rival lines such as you have alluded to, which took up a good deal of the time of the Committee, and which question is again coming on this year. I believe that there is no opposition now excepting local opposition; but a landowner's line, I am sure, would be practically found not to embrace so wide a case as you allude to.

2380. Then you would confine it to engineering superiority?—Yes.

2381. *Chairman*.] Engineering facts?—Yes; in the case of Lord Crewe, the line proposed was shorter, with better gradients, and with only half the amount of works; certainly if that was proved it ought to settle the question.

2382. The opponents in that case, you say, did not bring forward in the Committee of the House of Commons the ground of opposition?—I think that they did not bring forward in the House of Commons the ground of opposition so completely and distinctly as they did in the House of Lords.

2383. Supposing, for instance, that your Board of Trade plan had not been carried out, but merely the plan of the opponent, being required to commence, and also being required to confine himself to the precise grounds stated in his printed paper; in all probability Lord Crewe would then have exactly pointed out upon what ground he really objected to the line?—Yes.

2384. Not that there should not be a line?—No, he did not object to that.

2385. Or that the line should not go through his property?—No, he did not object to that.

2386. But merely that that particular line was not the best in an engineering point of view?—Yes.

2387. If the inquiry had began in that way by Lord Crew's showing those points, the Bill probably would not have passed the House of Commons?—No; it would never have got into Committee.

2388. But even if it had got into Committee; if he had began in that way, the preamble in all probability would not have been passed?—I think not.

2389. And all that expense would have been saved to the promoters?—Yes.

2390. The House of Lords Committee, when the case was properly presented, very rightly, as you think, threw out the Bill?—Yes; and I think that that is confirmed by the fact, that these very parties, and also their opponents, have taken up Lord Crewe's line.

2391. Mr. *Paull*.] Can you tell why the opponent's case was improperly placed before the Committee of the House of Commons?—I cannot tell that; in the Commons I was examined for the North Staffordshire Railway Company, who opposed the Bill, and was examined upon two points only; when it was brought before the Committee of the Lords, it was determined that I should be Lord Crewe's witness, and I gave the evidence for Lord Crewe upon that line, and I was enabled to state, "If you were to put the Ordnance map before me, and to put a pencil in my hand, I would draw a line blindfolded as good as the line which has been laid down;" in fact there was no judgment exercised upon

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it at all. The rival sections were set up so clear and distinct that their accuracy being proved, the Committee threw out the Bill; and this year the Railway Company for whom I appeared in the first instance, and the promoters who lost the Bill last year, are now with rival schemes going through Lord Crewe's property cheek-by-jowl.

2392. Then, although similar evidence was offered to both Committees, more of it was offered to the Lord's than to the Commons?—Yes; I did not hear Lord Crewe's case in the Commons; I only gave my evidence on the part of the Railway Company, and then went from the Committee.

2393. Within your knowledge, was any more evidence offered to the Lords than to the Commons?—I cannot say whether there was any more, but I know that the evidence was brought much more distinctly to bear upon that specific point.

2394. But they had the same grounds for decision, the facts being only more lucidly made out before them in the one case than in the other?—I think so; but I did not hear Lord Crewe's case in the Commons.

2395. Mr. *Adair.*] If your propostion had worked well, that case would never have reached this House?—No, it would not.

2396. Mr. *Puller.*] Supposing that the landowner showed that the alternative line was the best, and that the promoters of the Bill were quite aware of it, but that it would cost a good deal more, would you allow the Board of Trade then to decide?—No; the Board of Trade would say this: "We find that the line is shorter, and has better gradients, but it will cost 100,000 *l.* more money." I would leave it to the Committee to say whether that line ought to be adopted; all the points might be left to the Committee at last, but in a case like that of Lord Crewe's, the Bill would never have come into the Committee; nobody would, with such a report, have attempted to promote such a Bill.

2397. Mr. *Adair.*] Would you restrict the preliminary investigation to the case of a landowner only, and exclude a company who alleged the same ground of opposition?—No, I think not, if the company had a *locus standi* at all.

2398. Mr. *Liddell.*] Do you approve of the double investigation by the two Houses?—No; it would be a great advantage if they could combine.

2399. Would not the adoption of your plan wholly obviate any necessity which may now be supposed to exist for a double inquiry?—I do not think that the necessity for a double inquiry exists now, and, it would be much less necessary then. I have given a case where I think that a wrong decision was corrected in the Lords, and no doubt that occasionally occurs; but I think that the advantage of a single inquiry on the whole would very much outweigh that benefit which is now derived from the double investigation.

2400. *Chairman.*] How would you propose to alter the system of a double inquiry?—I cannot imagine any other way than that the Members of the two Houses should agree to have a mixed Committee of Members selected, two from the Lords, and three from the Commons; or three from the Lords, and two from the Commons, or three from each House.

2401. Mr. *R. Hodgson.*] Speaking from your own experience before Parliamentary Committees of both Houses, do you think that that plan would work?—That I cannot tell.

2402. Have you no opinion upon the point?—I do not think that you would get the other House to agree to it at all.

2403. *Chairman.*] A single inquiry, you think, is desirable?—I am sure that it is desirable.

2404. You do not think that the public interests require the additional security of a second inquiry?—No; I am sure that they do not. I do not mean to say that decisions are not occasionally corrected in the other House.

2405. Mr. *C. Forster.*] But you think that the inconvenience of the double inquiry far outweighs that advantage?—Yes.

2406. Mr. *Paull.*] That would be particularly the case, if the main parts of the inquiry were disposed of before it came here at all?—If the matter of fact, to which I have alluded, were settled out of doors, and you confined the parties to the allegations of the printed statements, I am very much inclined to think that, practically, very few Bills would go through a second inquiry, if they commenced in the Lords, the opposition would be settled before they came to this House and *vice versâ*. At the same time if you could have a single inquiry

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and could induce the Members of the two Houses to work harmoniously together, it would be a great saving of expense.

2407. *Chairman.*] Can you give us any idea of what the saving of expense to promoters would be, if there were only one inquiry before a Select Committee in the case of opposition?—It is very difficult to form any judgment upon the subject; I should think that probably one-fourth would be cut off. The inquiries are shorter in the other House; one of the advantages of the inquiry here is, that the parties in the other House know the points to which they are to bring their evidence; the consequence is that the evidence is shorter, and much fewer witnesses are examined. The inquiry here does save a great deal of time, undoubtedly, in the inquiry in the other House.

2408. Do not you think that there are a great many persons concerned in connexion with prosecuting private legislation, who have a very direct interest in prolonging the proceedings; do not you think that it is difficult to get them to come to the point, and that they keep back their case?—Although there appears to be an interest in prolonging the inquiry, by fees and all that sort of thing, I am bound to say that I have never seen any Parliamentary agent, or solicitor, or counsel, who did not do his very best to get a decision for his client, and as soon as possible; I am sure that they are not induced by their interest to take any other course. If the inquiry is prolonged it is in order that they should not omit anything so as to succeed in securing the interest of their clients.

2409. Mr. *Paull.*] That being so, might not the length of the proceedings, perhaps, arise a little from the original defect in the tribunal?—No, I think not; I have thought the matter over, and although once or twice a Committee has punished me, and as I have considered very hardly, yet I do not think that you will ever amend the tribunal.

2410. Mr. *R. Hodgson.*] Do you think that the litigants before Committees, would be satisfied without a second inquiry, where they thought themselves aggrieved by the decision?—I think that many of them would feel very much aggrieved; but I still think that it would be better for them that there should only be one inquiry.

2411. You mean that it would save their pockets?—Yes; if you had a third or fourth inquiry, a great many of them would go to it.

2412. Do you think that the feeling of having received a full investigation, and in the end substantial justice would be diminished or otherwise by the fact of having no second inquiry?—I think that it would be diminished.

2413. Do you think it an important, or unimportant matter, that all parties coming before Parliamentary Committees should go away with that feeling of satisfaction?—I think it very desirable that they should have an entire feeling of satisfaction, if it could be obtained, without inflicting inordinate cost upon the public in general.

2414. Do you think it an an evil or a good, that Private Bills should be discussed in the Houses of Parliament themselves as well as in Committees?—I think it an evil; I am bound to say, that I have never seen a discussion before the House yet, which could be considered satisfactory.

2415. Do you think that the decision of a single tribunal only being attainable, the practice of bringing Private Bills before the Houses of Parliament themselves would not be increased?—That depends upon the House; I think it is possible that it might be increased.

2416. Do you think that the circumstance of there being only one tribunal without a second hearing, would lead to the prolongation of proceedings before that tribunal, in order that nothing might be left misstated?—No doubt it would tend to that, but still there would be great economy.

2417. Notwithstanding all these drawbacks, you still hold the opinion that a joint tribunal, if attainable, would be the best?—I do.

2418. On the ground of expense only, or on some other ground?—On the ground of expense.

2419. On no other ground?—No.

2420. Mr. *Puller.*] Have you any suggestion to offer for correcting the mistakes which a joint Committee of the two Houses might make. You admit that the Committee of the House of Commons does sometimes make mistakes, which are corrected by the Committee of the House of Lords?—Yes.

2421. Do you propose as part of your scheme that there should be a re-

hearing

hearing in any cases?—No, you had better not have that; you cannot have the thing perfect. It is quite true that the House of Lords have thrown out Bills which ought not to have passed; it is equally true that I have known them throw out Bills which ought to have passed; I set one against the other as regards that. There is no doubt that there has been a great satisfaction in parties being heard out, but I think that the great saving to the promoters outweighs the objections to a single tribunal.

2422. Mr. *Whalley.*] You have stated that you believe that counsel and solicitors invariably do their best for their clients?—I do.

2423. Is it within your experience that large companies with large resources consider it to be a sort of weapon which they have at their command against new projects, to put these new projects to as great an expense as possible; have you ever known an instance where that might fairly be imputed to the opponents of new projects?—No, I cannot say that. They have gone to a great expense, and no doubt it has put the promoters to great expense; but their object has been to throw out the Bill.

2424. Assuming, for a moment, that such a policy is possible on the part of large companies, do you consider that the present system, with the double tribunal, affords large companies an opportunity of thus opposing and defeating new projects?—The more you multiply the tribunals, the more you multiply the chances of an opposition being successful.

2425. With reference to the single inquiry which you propose, can you point out any special advantages which would result from that tribunal being composed of Members of Parliament, either of the House of Lords or of the House of Commons at the present time, in preference to a fixed tribunal outside the House, which should be employed in taking these cases?—I would much rather take my chance of a tribunal composed of Members of the Houses of Parliament, than have a fixed tribunal. I cannot see how it could be possible to adapt it to the demands of the public.

2426. Then your objection to a fixed tribunal is, that you do not see how such a tribunal could be composed, so as to command the confidence of Parliament?—And of the public.

2427. And that is your reason for preferring the accidental kind of tribunal which results from the appointment of Committees?—Yes, I decidedly prefer the tribunal of ordinary Committees.

2428. Do you not consider that in such accidental tribunals there is a great tendency to lengthen the inquiry in consequence of the inexperience of the members?—No doubt, to some extent, that is the case, because we find that the inquiries in the Lords are shorter; but there is another reason producing that result, to which I have already referred, although since the appointment of the Chairmen of Committees, who though not permanent, are approaching that character, I do not think that that objection applies so much as it used to do.

2429. Has not such a casual tribunal also this effect, that it prevents the possibility of their having any fixed principles of legislation, with regard to railways, the decisions of the past not being at all recognized, and there being no tradition?—So much the better, I think.

2430. Do you think that every case should be decided entirely upon its own merits, and just as if no previous decision upon railways had ever taken place?—Certainly.

2431. That is your deliberate opinion?—It is; where you legislate, I think that there should be no precedent.

2432. On a previous inquiry, Mr. Hope Scott stated that the result of the present system was that he was unable to advise any client who consulted him as to what would be his chances of success, either in opposing or promoting a Bill; do you think that that is an advantage?—Quite the contrary.

2433. You think that it is desirable that persons who wish to apply to Parliament for a Bill, or to oppose one, should have some means of knowing what will be the result of the expenditure which they are called upon to make?—Possibly it may be.

2434. But, if I understand you rightly, you admit that that result cannot be obtained where every case is determined as if no previous case had ever been before Parliament?—It cannot.

2435. But you think that the advantages altogether compensate for the disadvantages?—Entirely; you never can get entirely all you are aiming at. It is

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a most difficult thing even where the law is settled. If a man goes to law very few counsel will undertake to say what the result will be.

2436. I think you say that you are aware of certain decisions which do not meet with your approval, both in promoting Bills and in opposing Bills?—I think that in the case of the Bill for a railway to Llangollen, the decision was wrong.

2437. To what extent do you think that those erroneous decisions would have been prevented had there been some system of local inquiry, or some power of ordering a local inquiry?—I cannot undertake to say what might have been the result, but I know that these local inquiries never give satisfaction; in the first place, they are generally deputed to members of the profession who do not command the respect of the profession itself; take the Admiralty inquiries, we were never satisfied with them; they were never deputed to what are called first-class engineers.

2438. That objection to local inquiries would apply to the local inquiries which are now instituted by various departments of the Government, such as the Enclosure Commission, would it not?—No; in the case of the Enclosure Commission, there is a matter of fact to be ascertained.

2439. Is not a local inquiry an inquiry as to some matter of fact?—Yes, but an engineering inquiry must be a matter of opinion upon a great many points, and must depend upon the experience of the parties who are conducting it.

2440. *Chairman.*] We have put to you the case of a Bill which is opposed through Parliament; I now wish to ask you whether you think that any facilities could be given to unopposed schemes; that is to say, extensions and branches of railways proposed, with the consent of landowners, and all parties in fact assenting; do you think that in such cases any facilities could be afforded which are not now afforded?—Yes; in those cases no doubt great facilities might be afforded; and there are also cases beyond those. As regards short extensions and enlargements of stations and deviations beyond the usual limits which are often as desirable for landowners as for railway companies, and which are for the public convenience; in all these cases I think that the matter might be settled by a department with some officers of the Houses associated with them. Practically a money Bill goes entirely through Mr. Massey's Committee, and Lord Redesdale's Committee, and the House knows nothing of it. Therefore that principle being recognised, why should you not make the procedure in such cases as I have mentioned of a similar character, the formal assent of the House being rendered as simple as possible?

2441. Would you reduce the system to a general law, as it were, by laying down in an Act, the conditions which should entitle parties to do certain things, if they were complied with, in cases of this character, which were unopposed?—Yes; no doubt that would be a very great relief; we should go for a great many things where we are now stopped by the expense even of an unopposed measure. I know a great many cases where we should alter the line, and go out of the limits, and alter the gradients, or the curves, and nobody would oppose us; but it is simply the expense of getting them recognised and sanctioned which stops them.

2442. Do you think that such a change as that would be appreciated as an advantage by existing Companies, namely, the power to do these things without coming to Parliament?—I have no doubt of it.

2443. Do you think that our experience as to what is necessary in such cases is sufficient to enable us to put that matter into the clauses of a General Act?—I think so; I will take a remarkable case which occurred last year, namely, that of the Great Eastern Amalgamation; that Bill was contested in the Commons and also in the Lords as regarded the principle of the amalgamation, one of the parties, the Eastern Union Company, opposing the terms. It took us the whole Session to get that Bill through, and I think that we should never have got it through if it had not been for the Chairman of the Committee in the Commons (Mr. Hassard) and Mr. Smith the Member for Stockport. Mr. Hassard managed to comprehend the financial complexity of the Bill in the most wonderful way, and helped the Bill through. But at the back of all that was what never comes before a Committee, but which was settled by Mr. Massey and Lord Redesdale, namely, the arrangement of the preference stock and debentures which were brought together in this great Amalgamation Bill. All the

the clauses preserving the rights of no end of parties, were settled by Mr. Massey and Lord Redesdale.

2444. Mr. *R. Hodgson.*] What had Mr. Massey to do with it, if it was an opposed Bill?—It passed through the Commons and then through Lord Redesdale's Committee in the Lords, who go through every clause.

2445. It was an opposed Bill, was it not?—Yes, but it would have been equally the same if it had not been opposed.

2446. What had Mr. Massey to do with an opposed Bill?—Mr. Massey's Committee, the same as Lord Redesdale's, I presume (at least I have always understood so, though I am not so conversant with Mr. Massey's Committee as with Lord Redesdale's), go through every Bill, whether opposed or otherwise and examine it very carefully, in order to see whether the rights of third parties are affected.

2447. Are you speaking from information, or without information?—As regards Lord Redesdale I speak from actual experience and personal knowledge.

2448. But do you do so as regards Mr. Massey?—I have never been before Mr. Massey's Committee.

2449. Mr. *Adair.*] In the case of the Great Eastern Amalgamation Bill, were not some of the arrangements regarding the question of preference shares referred to the Board of Trade?—No; the only question referred to Captain Galton was the question as to the amount in the new capital which should be allotted to the Eastern Union Company; it had nothing to do with their preferences.

2450. How was that question relegated from the Committee to Captain Galton?—By the Committee themselves; the Eastern Union Company never came into it, they never afforded facilities to the accountants who were appointed by Captain Galton to audit the accounts of all the companies; they were not concurring in it, but nevertheless the Committee ordered it and acted upon Captain Galton's award.

2451. Did Captain Galton take any evidence on the point?—No, Captain Galton appointed public accountants of established reputation in the city to audit the accounts of the companies. He then went down the various lines with a special train, and examined the state of the works in order to see the state of the various lines, and then upon the report of these accountants who audited the different companies' accounts, and upon his own inspection of the lines, he made his decision, upon which the Committee acted.

2452. How soon after the question was referred to Captain Galton was his decision given?—I cannot say precisely, but about three weeks if I recollect rightly.

2453. Before the Bill was heard in the Lords?—It was in the Commons; we were quarrelling over the state of the Eastern Union finances. There were certain matters of fact in dispute, and the Committee said, "It is a thing which we cannot sift," and they referred it to Captain Galton. The Committee laid down for his guidance the principle upon which, when the figures were ascertained, they should be dealt with in assigning to the Eastern Union Company their proper proportion of the stock, and upon that Captain Galton made his investigation and report.

2454. Mr. *Liddell.*] Then practically, the decision of that Committee upon that very important question, was come to upon the authority and with the assistance of Captain Galton, and they could not have arrived at that decision without his assistance?—No, I think not.

2455. Do you not think that the assistance of the Board of Trade might be conveniently called in, upon questions of amalgamation, much oftener than it is at present?—It was not the Board of Trade. Captain Galton was in the War Office.

2456. Mr. *Adair.*] But was not the question referred to him, relying upon his former experience in the Railway Department of the Board of Trade?—Certainly.

2457. Mr. *Liddell.*] Do you not think that in cases of amalgamation especially, the assistance of officers of the Board of Trade might be conveniently called in oftener than it is at present?—In a case like that, if there is any question as to accounts, I think that the Board of Trade or officers belonging

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to that department, might be referred to with great advantage, but upon the great principles involved in an amalgamation, I think that it must go to the Committee.

2458. *Chairman.*] Do you think that you could supply us with a paper showing us the different questions which in your opinion might be provided for by a general Act, so that if parties complied with the conditions in that general Act, they should be entitled to make their arrangements without the sanction of the Committee?—Yes, if I might confer with Mr. Macgregor, I think that I could do it.

2459 From your great experience in these matters, you probably would see with ease what points were so thoroughly well established, and what rules were so thoroughly understood, that it was unnecessary for railway companies to come to Parliament in each case?—Yes, I could do that; I thought that you wished me to go beyond that.

2460. I merely wish you to put down what you think might be allowed to be disposed of by complying with some general Act?—That I could do.

2461. The real point is, whether our experience is sufficient to enable us to define the conditions in a general Act, the compliance with which would entitle parties to the powers which they sought without coming to Parliament in each case?—I could give a great many cases where you no doubt might do it; I cannot undertake to say that I could supply all the cases where that condition might attach.

2462. You can give us cases where you are clear?—Yes. There is another point which has not been adverted to, which I do not see how you are to deal with, and that is the question of competing lines. I do not think that you can restrict the inquiry into them. I have a very strong feeling myself upon the question of competition, and I think that the question has never been solved. There are those who think that competition is of no use; there are those who think that it is of very great use. I believe that they are both right; and that in some cases they are both entirely wrong. I think that cases of competition with existing companies should be allowed to be heard, and may always be heard with advantage, because, so far as my experience goes, the instinct of Parliament, and the instinct of Committees is in favour of competition, and, in the way in which competition has mainly arisen, I think that they are right; although I know of cases where competition is neither for the advantage of the parties, nor of the public, yet, in the main, competition in a legitimate way, is of advantage to the public. I will take, for instance, Manchester; competition has undoubtedly been beneficial there, and it has arisen in this way, that the Great Northern Company, in their direct course to the north, crossed the Manchester and Sheffield Railway at Retford, and so obtained a communication with Manchester a little longer than the old one, and they have been enabled to institute a very effective competition, and I believe it to be beneficial to the public, because between Manchester and London, on both routes, there is a large manufacturing and agricultural population; and although the parties have agreed to work the traffic at Manchester in a particular way in rates and fares, yet Manchester has been benefited by having a larger number of trains, which are supported by the intermediate district. Manchester has been benefited by having more trains to London, and being put in connexion with a large population. In the same way I take Birmingham. The Great Western Company found themselves at Didcot so far on the way to Birmingham; and in the same way to Exeter; and that sort of competition has arisen in a way which shows its necessity; for instance, they have gone from town to town till at last the chain has been filled up which formed a rival line to the old existing line.

2463. Mr. *R. Hodgson.*] Do you base upon this foundation the advice that companies should not be allowed to compete?—No; on the contrary, admitting that there are cases where competition is beneficial, and where no opposition of existing companies ought to arrest it, I think there are cases where competition is clearly injurious to the existing companies, and if it is injurious to them, and not beneficial to any one else, it is clearly injurious to the public. I will take the case of Manchester again, and will imagine that there was nothing but a desert on the Great Northern route; that there was neither good land nor population; the Great Northern Company in that case would have done as they have done now; they would have had some of the trains from Manchester to London

along

along that route; that would have taken those trains from a country where there was population, and where there were manufactures, and so it would not have benefited Manchester, because the number of trains between Manchester and London would always be regulated by the total amount of traffic between the two places, whether in one hand or in half-a-dozen; in fact, it is like a man who has a given quantity of manure, which he is putting upon his bad land as well as upon his good.

2464. *Chairman.*] Do you think that anybody would be inclined to invest money in making a line through a desert?—Yes.

2465. It would not be a paying line?—It pays some people. When you say a "paying line," you forget this, that if the lines pay certain parties who have certain objects, they are paying lines to them. It may pay me as an engineer to get up a rival line through a desert, taking advantage of the great energy which obtains at some particular place; it may be beneficial to nobody else, and it may be injurious to the existing companies. It is all very well for Parliament or the public to say that it does not matter to them whether they cut down railway dividends, but I know that the public do suffer. There is the case of the Great Eastern Railway, of which I am now a director. I want to reduce the fares; I believe that our fares are too high, both for ourselves and for the public. I want to reduce them 25 per cent. if I can. If that 25 per cent. is not replaced by an increase of traffic there would be no dividend upon the shares. I should have courage enough myself to make the reduction, but I cannot infuse sufficient courage into my co-directors, and I am obliged to go bit by bit, reducing here and reducing there, and gradually feeling my way. You will not get any railway companies to reduce their fares freely, unless they have something like a respectable dividend, and a margin to go upon.

2466. Mr. *Adair.*] And also an undisturbed possession of the country in which those fares are to operate?—Yes. There is another case in which I cannot help thinking that it is somewhat unreasonable to complain of railway companies not reducing their fares. The fares are settled by Parliament. If the fares are improper fares for the companies to charge, why does not Parliament, who gave the authority originally, deal with those companies when they come before them, as they do almost every year.

2467. Mr. *Paull.*] Without referring to the particular instance of the Great Eastern Company, do you think that there is such traffic still to be developed upon lines in general that it would pay if the fares were reduced 20 per cent.?—Yes, in a great many cases, but not in all. I think that in some instances our fares are exceptionally high; for example, we are charging more than the Great Northern Company.

2468. *Chairman.*] Then you mean to say that you think it would not be right to exclude parties from giving any evidence which they thought fit in order to show that a new line would withdraw traffic from an existing line, without any benefit to the public or to themselves?—Yes.

2469. You think that they should be allowed to be heard?—Yes.

2470. You think that the tendency of Committees has been to favour competition?—Yes.

2471. You think that there has been no settled purpose, as it were, of viewing a new competing scheme with disfavour, because it does compete, but you rather think the tendency has been to look favourably upon competition?—I think so decidedly.

2472. You would not pass any rule to exclude parties from being heard upon that question?—No.

2473. Mr. *Whalley.*] You have stated that you think that competition upon the whole is desirable?—Where it arises legitimately by giving accommodation.

2474. And if I understand you rightly, one of the inconveniences from a competing line is where the competing line prevents another and a better line being made?—No, I did not say that.

2475. What are the cases in which competition is inconvenient?—I say that it would be inconvenient if you had a competing line between A. and B. without having any intermediate country to supply.

2476. Am I to understand that by withdrawing the traffic from any line, and by diminishing the amount applicable for dividends, you consider that it prevents companies from lowering the rates?—Yes; but that is not my only objection.

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2477. Do you consider that any company ever lowered its rate on account of its receipts being higher or lower?—No, they do not do it from that cause.

2478. They get as much as they can, do they not?—No doubt, and I want to reduce my fares on the Great Eastern line, in order to get more than I am getting now.

2479. Are there not some cases where competition is not only desirable but absolutely necessary in order to develop the resources of a district, such as a mineral district?—I cannot answer your question in the way in which you have put it. I have already stated that if there happen to be two great centres of population, and if there are two routes each through a populous or a mineral district, it is then for the benefit of the public that those two routes should co-exist.

2480. Take a mineral district; do you consider that it is sufficient for the development of a mineral district which involves the expenditure of a very large capital in sinking pits and in works, that there should be one railway; is it not essentially necessary for the development of such a district that there should be two railways, the one to check the demands of the other?—No, not the least in the world; you may have two railways which lead in opposite directions; but I should prefer always being on one railway.

2481. Are you aware of any cases in which from the fact of certain mineral owners being connected with the management of railways, they have virtually established a monopoly in their favour?—I cannot say.

2482. Are you not aware that such cases have been before the courts of law, in the case of the Great Western Company?—I think that I remember the Ruabon case; but I do not know the facts.

2483. Is it not so in the case of the Claycross Colliery?—No, I do not believe that it ever existed there; I know that Mr. Stephenson had no power.

2484. If you were the owner of minerals in a district —— ?—Which I am.

2485. Should you not consider that it would tend to shut up your mines if a neighbouring mineral owner were a manager or director, or in some way connected with a railway?—I am sure I cannot say that. I know no cases where I should be apprehensive of it. With regard to the minerals in which I am interested, all that I am anxious for is, that I should be upon a line which is continuous; I do not want any rival line.

2486. Assuming that the rates are the same, is it not in the power, say of the station master, or almost of a porter, to make the difference between profit and loss between any two gentlemen who are customers on that line?—No, I do not believe that that exists to any extent; there may be a little favouritism, but that cannot exist long. I know of cases now, where I believe that the coalowners are favoured as regards the conduct of their business, but that will correct itself; you cannot make human nature perfect.

2487. Mr. *Adair*.] In your opinion does Mr. Cardwell's Act meet such cases?—Yes, it would do so if it were enforced. You have to establish the fact, that is the difficulty; if you can get the fact you can correct it. People are charged with fraud and corruption right and left, but the difficulty is to establish the fact; it arises mainly from suspicion. Rival coal owners always say that somebody or other is a favorite, but when they are called upon to prove it, it generally fails.

2488. Then the failure of protection arises mainly from the inability to substantiate the case?—Yes.

Jovis, 23° die Aprilis, 1863.

MEMBERS PRESENT.

Mr. C. Forster.	Colonel Wilson Patten.
Mr. Milner Gibson.	Mr. Paull.
Mr. R. Hodgson.	Mr. Puller.
Mr. Liddell.	Mr. Whalley.
Mr. Massey.	

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

James Blenkinsop, Esq., called in; and Examined.

2489. *Chairman.*] YOU are Solicitor to the London and North Western Railway Company?—I am. I and my partners, Messrs. Swift, Carter, and Wagstaff, have been solicitors to that Company for upwards of 20 years. I have had about 20 years' personal experience of Parliamentary work. *J. Blenkinsop*, Esq. 23 April 1863.

2490. We have been inquiring as to whether any improvements can be made in the present system of Private Bill Legislation, with a view to the saving of expense to promoters, and also the saving of time, without lessening the security to public and private interests. Can you give us any information upon that point, founded on your experience?—I have not been able to form a scheme in my own mind that would make a total change of the present tribunal, which I think would be satisfactory. My attention has been therefore given to what improvements could be made in the existing tribunal; that has been the practical way in which I have been viewing the matter for the few days since I received your communication. I will shortly state what it has struck me might be done to improve the present system. I believe that almost universally now, people conversant with the mode of conducting the business in Committees are in favour of a permanent chairman. I recollect the old system, and I have watched the present system; and I have a very strong opinion that there has been a great improvement by the appointment of permanent chairmen, because we have not in every Committee to teach the Committee their A B C lesson; there is always one gentleman there who is conversant with Railway Legislation, and therefore the work is much more easily done, and, I think, better done. I am strongly of opinion that the circumstance of having a permanent chairman has been an advantage. Therefore, to continue that practice by any system, and to get first-class men to come and be chairmen of Railway Committees, in my opinion would be an improvement; to continue, in fact, the existing state of things, getting the very first-class men who will come by any inducement which you can offer them; if they will come voluntarily, it is all very well, but if it is necessary to resort to money, or to honours, I should still like to see them secured, whatever the means may be. Without permanent chairmen and some kind of general principles laid down by those chairmen, I do not quite see how the business can be got through satisfactorily. I think that it has been from the want of some understood general principles laid down by the chairmen that we have probably had any mistakes which have been made. I am not here to complain of the Committees at all. Of course, being an old Company, we think that the Committees have frequently done wrong, because we have always been fighting a certain principle, to which the Committees have generally been unfavourable; they have very frequently sanctioned competition, and of course, existing companies have thought that their vested rights ought to be a little more protected.

2491. You would have a certain number of gentlemen selected as the Chairmen of the Committees; do you mean that they should have salaries?—As to the

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the mode of securing their services I think that that is more for this Committee, and for the House of Commons, with regard to how far you could see your way to a salary, but I would secure the services of first-class men to devote themselves to this legislation.

2492. Mr. *R. Hodgson.*] If the present system by which the services of the Chairmen of Railway Committees is secured were continued, is that what you mean is a satisfactory state of things?—Yes, I think so; I do not offer any opinion as to the mode of doing it, but it should be secured.

2493. Is the present system satisfactory to you if it can be continued?—Yes, as regards the Chairmen I think that it is.

2494. Mr. *Puller.*] Do you think it desirable that the Chairmen should have any greater authority in the Committee than they have now; have you considered whether any particular class of questions should be decided entirely by them?—Yes; I was about to come to the question of *locus standi*, and the question of costs. A standing Chairman seems to me to be the satisfactory principle; and then as to the Members of the Committee, I am not aware why three in a Committee should not be quite as satisfactory as five, if there is any difficulty in getting Members. If there is any pinch with respect to getting Members, I myself believe that with a good permanent Chairman we should be content with three Members instead of five, if that would be any relief to Committees in getting Members to attend.

2495. Mr. *Liddell.*] I understand your demand to be for first-class men as Chairmen?—Yes.

2496. Are you aware of any profession in which first-class men can be found to perform laborious and responsible duties gratis?—You must either give them money or honours; it is a question which should be given; money may not be an object to some men of a first-class character, honour may; but the one or the other I think you would have to give to secure first-class men.

2497. Are you aware of any profession in which such men can be found to do such work gratis?—Clearly not in a profession; a profession means payment; but profession or not, it seems to me that to secure first-class men you must either hold out a temptation of money, if money is an object to them, or if it is not, then after a certain number of years' service, perhaps, some honour to be bestowed upon them; one or the other, I think, ought to be given to secure the best men that you can.

2498. Mr. *Puller.*] Are not the chairmen of quarter sessions unpaid?—Yes; the chairmen of quarter sessions, I think, are not paid; stipendiary magistrates are paid, and a recorder is paid, which is very analogous.

2499. Does not it come to this, that where there is a very long and continuous work to be done, it is necessary to pay in some way, those who do it?—Nobody will come for the mere love of work, I should think.

2500. But where the work is only intermittent, and for short periods, there is no great difficulty in obtaining persons to do it for the pleasure of the occupation, and the credit which it gives them?—Probably not.

2501. Therefore, is it not perhaps doubtful whether by having so small a number of Chairmen, and making them work the whole of the Session, you may not be defeating your own object?—But my object is to secure them; what I say is this, whatever is necessary to secure them, be it payment or not, I should give them, in order to get them to do the work during the whole of the Session; I am quite alive to the fact that it is a very difficult thing to get a body of men to come and work laboriously here, as we know they do for four months in the year at least, without remuneration in some shape or other; I think that without some kind of remuneration, you are not likely to secure them.

2502. Mr. *R. Hodgson.*] You mean something beyond the importance which they get by being selected as Chairmen?—I think so; there are in fact many men more eminent than the position of Chairman of a Committee will make them. To many first-class men there is no honour in being the Chairman of a Committee; many of the best men have already, perhaps, obtained an eminence above that.

2503. Mr. *Liddell.*] Do you think that this is a class of work which a man is sent to Parliament to do?—It is a class of work which hitherto has been within the jurisdiction of Parliament, and of course it is presumed that the Members were sent there enabled to do it, they ought to be.

2504. Constitutionally and properly speaking, does it form a part of the duty

of Members of Parliament?—I think so; it is legislation; if you mean that they have not a judicial character, it is a very grave question whether you would improve the tribunal by turning it into a judicial tribunal. I doubt it very much; I think that different questions come before a Committee from what come before a judicial tribunal; there are great matters of public policy, and questions where the public are interested; I mean that it is a different thing from what comes before a judge, or any judicial tribunal, and I think that a Member of Parliament may be assumed to be properly educated for it, and that he ought to be able to do the work.

2505. Mr. *R. Hodgson.*] Is there not this difference between a Parliamentary Committee and a court of law, namely, that a judge is bound by the law, and holds no matter of opinion?—No doubt, and there are technical rules in law which really would exclude about one-half of the evidence which Committees are in the habit of taking; there is a very proper laxity in Committees, and nobody complains of it; you there hear evidence which a judicial mind would exclude in a moment.

2506. You think that it would be detrimental to the end in view to adopt the same strictness in a Committee as in a court of law?—I do; I think that introducing strict technical judicial rules in Committees of Parliament, would not be an advantage, but on the contrary, a disadvantage.

2507. Mr. *Liddell.*] A Member of Parliament is sent to Parliament to represent the interests of a certain set of constituents who return him?—Yes.

2508. Is it not the fact that if a Railway Bill affects the interests of those constituents, that in itself is a disqualification for a Member sitting upon such a Committee?—Yes, he usually is not appointed upon that Committee, but is appointed upon some other Committee.

2509. Then am I justified in saying that this class of business does not constitutionally form a part of the duties of Members of Parliament?—I cannot follow you in that argument; on the contrary, you are sent to Parliament to look after the legislation of the country, and whether it is public legislation on a Public Bill, or whether it is *quasi* private legislation for Railway and Canal Companies, and other public works, it seems to me to require the same capacity for the public legislation as for the private. If Members are capable of public legislation, surely they are capable of dealing with private legislation. With regard to the number of Members requisite for a Committee, I have been rather given to understand that there is some difficulty in getting sufficient Members during the pressure of work, and therefore I think that a Committee of three, from all that I have heard, would be satisfactory.

2510. Mr. *Massey.*] Including the Chairman?—Including the Chairman.

2511. Then is he to be out-voted by his two assessors?—I should propose that if you have a Committee of three, whenever the Chairman differs from the other two Members, he should specially report that circumstance.

2512. Had the House this to determine between them?—At all events it would have this effect in the other House: namely, that the Bill would not then go up with such force to the other House if the Chairman was against the other two Members, and you would probably get the benefit of it in the House of Lords. I think that that perhaps would do away with any disadvantage.

2513. Mr. *R. Hodgson.*] The same thing occurs with a Committee of five?—Yes, the Chairman is more likely to be out-voted in a Committee of five, than in a Committee of three.

2514. Is not that fact generally understood amongst those who are interested?—Yes, they generally get to know it in some way or other.

2515. Mr. *Massey.*] According to the present constitution of the Committee, has not the Chairman a casting vote?—Yes.

2516. Would the Chairman have a casting vote upon your plan: namely, that the Committee should consist of three Members?—Yes, he would have a casting vote if the Committee was equally divided.

2517. He would have a single vote?—Yes.

2518. Mr. *Puller.*] Do you know what the rule is in the courts of justice where the court consists of four Members; there I rather think that if it is two and two, the chief justice has a casting vote?—No; the rule in courts of law, I think, is this, that if there is an equality of votes, the decision is for the defendant.

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2519. Mr. *R. Hodgson.*] Is it not that there is no judgment?—Yes, which practically is a judgment for the defendant.

2520. The same thing occurs at petty sessions?—Yes, I think that that is so.

2521. It is the same thing in the Scotch courts in the court of session;—I am not conversant with that.

2522. *Chairman.*] With regard to the standing Chairman, would you vest in him powers which he does not now possess?—I should have no objection myself to give the Chairman the sole power with respect to *locus standi*, he having information upon the point and a knowledge of the practice, that is the reason why I would give it to him. From his being in the Committees from Session to Session, having a knowledge of what the practice really is, and what, probably, the proper rule ought to be, in all cases, I would give him the sole power of determining the question of whether a party should be heard or not, without putting it to the Committee at all.

2523. Would you lay down no rule or principle for his guidance?—Certainly, upon the question of *locus standi* I should say myself that there ought to be clear and distinct rules laid down, and probably laid down by the Chairmen themselves, so that the decisions might be uniform, and that we might know whether we had a *locus standi* or not. What happens now, and which I think is a great waste of time, is that the Committee can hear you, for instance, upon the ground of competition; the practice is this; we come and argue the question in favour of being heard upon the ground of competition before the Committee; I have known nearly a whole day wasted in arguing whether we should be heard or not, and for fear that you will not be heard upon that ground, the merits of the case are really all stated to the Committee in arguing the question of *locus standi*; you state your case, and the whole merits of the question, and therefore a great deal of time is consumed. You are generally let in on the ground of competition, and almost invariably, if it is a serious question for the existing Companies; but you are only heard after a long argument. I do not see why, if the Chairman thought fit to lay down a rule, competition should be a ground upon which to be heard without argument; I am sure that the present system is not working well.

2524. Mr. *R. Hodgson.*] Then all that you would be required to do would be to satisfy the Chairman that there was a competition?—The broad principle, with reference to parties being heard would be that they are injured, the Committee generally speaking would hear a person who was directly injured, not in a remote case, but whenever there was a direct injury to existing interests, surely they ought to be heard before the Committee.

2525. Take this case, two companies have lines connecting two termini, one a long route, and the other a more convenient and a shorter route, the company possessing the longer route is about to improve its line, is that a case where you consider that a rival company would have a right to appear as a competing company?—Do you mean as to claiming a larger division of traffic hereafter by the improved line?

2526. I mean on the ground which you have stated, that there may be injury resulting from the improvement of the other company's line by itself; do you think that in that case the other company ought to have a right to appear to prevent the rival company from improving its own line?—That is a strong case; I would even go to that extent in giving them a hearing, if they asked for it; but then you would find that the next proposition would be this: I would give the power to the Committee to award costs, which would very much regulate and check the question of *locus standi.*

2527. You state that that is a case in which you think that a company ought to set up successfully the plea of competition?—I think that they would be entitled to be heard on the ground of competition; and I would hear them at their peril.

2528. Although the improvement of the other company's line does not involve any contact with their rival?—Yes, and I will give you the reason; it is a question of money. Companies are in the habit of dividing traffic where they are competing; the effect of shortening the line would probably be to take 10,000 *l.* a year from the other company; are they not entitled to be heard, if they insist upon it? it is a question of being heard.

2529. You think that they are entitled to be heard?—I would hear them.

2530. You

2530. You think that they are entitled to be heard to prevent their rival improving its own line?—I would hear them; the Committee having the power to make them pay costs.

2531. *Chairman.*] You said that you would leave it to the Chairman to decide the question of *locus standi*?—Yes.

2532. Supposing that the Chairman was of opinion that the owners of an existing line ought not to be heard on the ground of competition, he would rule that the parties claiming to be heard on that ground had no *locus standi*. You say that you would rest a discretion in the Chairman?—What I said was this, that on the question of *locus standi* generally, I think that the permanent chairmen should, if possible, frame certain clear rules as principles when parties should be heard or not, so that they might know what they were entitled to; and that then if it was a question whether you were within those general rules or not, I would give the Chairman the power to say yes or no. I then come to the particular subject of competition. At present the matter stands thus: in the House of Lords I think there is no Standing Order at all authorising a Committee to hear parties on the ground of competition; but I think that there is an express Standing Order in the House of Commons that the Committees may allow companies to be heard on the ground of competition; it seems to me that, instead of having the thing in that sort of vague way, so that we must come to a Committee to ask them whether we are to be heard or not, any existing interest which is directly injured by a Bill before a Committee is surely entitled to a hearing, with the penalty, which I will afterwards mention, that if the parties come and take up the time of the Committee, and have no case, the Committee should have the power of making them pay the costs.

2533. Mr. *R. Hodgson.*] At what period is this question to be argued before the Chairman; is it to be before the Committee at large?—Yes, as it is now, in fact.

2534. Is the Committee at large to hear the arguments upon the question, and nobody but the Chairman to vote upon it?—I think that we should not object to giving the Chairman that power. I would rather have the opinion of the Chairman than of the Committee upon that question.

2535. You would have the matter upon *locus standi* decided by the Chairman in Committee, and not at any previous time?—If it is convenient to decide that question first without the other Members being there, I see no objection to it.

2536. I want to know your plan?—I would not have a separate meeting to discuss the question of *locus standi*, for this reason, that you could scarcely have it unless notice was given that the "*locus standi*" was going to be objected to, you could not tell until the promoters opened the case, whether they would object to the *locus standi* or not; and, therefore, the Committee must assemble.

2537. If recognised principles were laid down upon which competition should be admitted, or should not, still you would leave the decision to the Chairman of the Committee alone, and not to the Committee, as to whether parties were within those principles?—Yes, I should say that the principles being laid down by the permanent Chairman, they having a knowledge from Session to Session of the working of those principles, the Chairman of the Committee would be the proper party to decide a question arising out of it.

2538. But you would have the argument conducted before the Committee?—I think that, practically, you could scarcely avoid it, unless you had some other machinery which does not exist at present.

2539. Mr. *Massey.*] You have spoken of the Chairman framing the rules; do you not think that it would be more convenient if the House were to frame Standing Orders for the guidance of Committees with regard to *locus standi*?—As to the mode of its being done, it is not a matter of great importance in my mind; if you think that it is better for the House to do it, I see not the slightest objection to it. I thought, myself, that the permanent Chairmen who are conversant with the practice, and conversant with the business generally, more than the House at large, would probably be the better persons, at all events, to suggest rules upon the subject. I think, however, that whatever rules the permanent Chairmen laid down upon that point, before they came into operation, it would be proper for them to receive the confirmation of the House.

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2540. Colonel *Wilson Patten.*] Are you aware of the practice at quarter sessions?—Not a great deal.

2541. Are you aware of the practice at quarter sessions with regard to rules of court?—No, my practice has scarcely been at all in sessions.

2542. You cannot therefore say whether it is a rule that the chairman of quarter sessions generally does express his opinion upon those matters?—I think that the chairman of quarter sessions, in questions of practice gives the decision.

2543. Mr. *Liddell.*] Do you think that the public would be satisfied to place in the hands of a small body of persons powers now possessed by Parliament itself; do you think that the public would be satisfied with placing the framing of these regulations in the hands of a small body of persons such as you have described?—It is so now. I suggest that the permanent Chairmen should frame the rules, and get the House to confirm those rules before they came into operation. The Committee now has the absolute power of hearing or of not hearing a petitioner; the House has no control in the matter; the Committee now decides whether I am to be heard or not. The power at present, I take it, is much more absolute than it would be if there were well regulated rules, because you could claim your right under those rules. At present there are no real rules to go upon on which we can claim to be heard, beyond the option to a Committee of hearing a party upon the ground of competition.

2544. Mr. *Massey.*] And in consequence of the absence of those rules, sometimes as much as a day is wasted before entering upon the real inquiry?—I have known frequent instances of that.

2545. From your experience, do you not think that it would be practicable for the House, with the assistance of the Chairmen's panel, to frame General Orders which would dispense with those long discussions with regard to *locus standi*?—I think so; it seems to me that well-defined rules, framed either by the permanent Chairmen, confirmed by the House, or by the House with the assistance of the Chairmen, would be a boon to parties practising before these Committees.

2546. Mr. *Puller.*] You consider that the question of *locus standi* is more a judicial question, than the general question, whether the preamble should be passed or not?—It is a sort of *quasi* judicial question, and I would trust to the experience of the Chairman to judge in questions of that sort, rather than to the general body of the Committee; he being more conversant with the business.

2547. Would not the same reasons apply to the question of the admissibility of evidence?—Yes, I would equally give him the power with reference to evidence. The fact is, that practically now he has the power; I dare say he speaks to the other Members, but practically he decides the question.

2548. *Chairman.*] What you want to know beforehand is, what is an admissible *locus standi*?—Yes.

2549. You do not want to be at the expense of being prepared with evidence and so forth, and then to find, after that expense has been incurred, that there is no *locus standi*?—Just so; you come here with your counsel, having delivered your briefs, and are prepared to go into the merits of the case, but the other side say: "We must see whether you have a right to open your mouth," and they begin to argue the question of *locus standi*, and then it is decided that you are not to be heard, and all the expense has been incurred without any fruit. If you had known that beforehand, of course you would have saved the expense.

2550. Mr. *R. Hodgson.*] You think that the conditions could be so accurately laid down, that there would be no difficulty in deciding the question whether you had a *locus standi* or not?—The fact is, that in laying down general principles, it is impossible so to lay them down as that there may not be doubtful questions arising under them. First of all there would be certain clear cases in which we should know that we should be heard, the principle being clear, and the case being clearly within the principle, and the decisions upon those principles would very soon be a guide as to the practice.

2551. Is not that the case now?—No, it is now optional with the Committee whether they will hear a party on the ground of competition, or not; one Committee decides to hear such a petition, and another Committee refuses to do so.

2552. That is the open question?—Yes.

2553. There

2553. There is no other open question as to *locus standi*, is there?—But that is the main question which arises.

2554. Do you think it possible so accurately to define the conditions that there cannot be a mistake?—I do not say so; it is impossible to do that in anything.

2555. Still you consider that the House of Commons, through the panel of Chairmen, should lay down these rules?—I think that certain general principles should be laid down by them as a guide to the parties, so that they may know whether they will be heard or not.

2556. More definite rules, than is the case now?—Clearly; they are not at all definite now.

2557. Having considered the subject, can you define the rules which should be adopted?—Possibly, with time and thought.

2558. Can you do so now?—Not now.

2559. *Chairman.*] If you were to say that no objection from existing lines should be heard upon the ground of competition, that would be a rule?—Yes.

2560. But you would not like it?—Certainly not; the London and North Western Company are the owners of a railway from London to Birmingham, Liverpool, Manchester, and Carlisle; you might lay down a line of railway parallel the whole way, which would abstract traffic from them, to the extent, say, of half a million a year; and according to that rule they would not be heard against it. If injury to existing parties is to be excluded, of course that rule may be laid down; but it would be most unjust, in my opinion.

2561. Mr. *R. Hodgson.*] The London and North Western Railway is a line from London to Carlisle, as that company leases the Lancaster and Carlisle line?—Yes.

2562. The Caledonian Railway is a line from Carlisle to Edinburgh?—Yes.

2563. It is within the range of probability that the Caledonian Line might be leased to the London and North Western Company, and thus form one company?—It is possible.

2564. The Great Northern, the North Eastern, and the North British Companies, on the other hand, have a line from London to Edinburgh amongst them?—They have.

2565. It is equally possible that those three companies might be formed into one, and that they would form a line between London and Edinburgh on the other side of the island?—Yes.

2566. Supposing that those amalgamations were accomplished, and that the company upon one side of the island came to Parliament to improve its line in some particular at some point between London and Edinburgh, would you consider that on that account the company possessing the line on the other side of the island, between London and Edinburgh, would have a right to be heard before a Committee as the owners of a rival and competing line?—I myself believe that in an extreme case of that sort, which no doubt is an extreme case, the Committee might fairly refuse to hear them; because that is not a new line of railway and a new competition; the competition exists by the existing line. You put the case of shortening the route by a few miles, or something of that sort, I suppose.

2567. It is exactly the case which I put to you a few minutes ago, but only illustrated now?—In that case, under the general principle of competition, they might be heard; but if you gave the power of costs to the Committee, they would say, "You may be heard, but you have come here with no case at all; you have occupied the time of the Committee, and you must pay the costs;" therefore that would limit the question of *locus standi* very much.

2568. But your principle goes to this extent, namely, that you would allow a railway company to be heard upon the ground of competition?—Yes, because you cannot lay down a general rule which would not admit of an exception, which appears almost absurd, but they should be heard at their peril, as they would be liable to costs.

2569. *Chairman.*] Have you found by experience that the expenditure which has been incurred by your employers to resist competition has been, after all, a judicious expenditure; has it produced fruit, upon the whole?—Upon the whole, probably not; but we have been struggling on from year to year, in the belief and hope that the Committees would not carry the competi-

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tion principle quite so far; and we have been, therefore, hoping that from Session to Session they would consider that they had conceded enough in that direction, and might to some extent protect us from undue competition. We have consequently, from Session to Session, brought the matter still before the Committee. Generally speaking, the feeling of Committees has been to grant competing schemes. The existing companies, of course, have been opposing those competing schemes. That being the general feeling existing in Committees, the expenditure has not been very fruitful.

2570. So far as you have been concerned, it would have been no disadvantage to you if you had been altogether precluded from being heard before Committees on the ground of competition; as you have hitherto spent a great deal of money and got nothing by it, it would practically have made no difference to you if you had had no *locus standi*?—I should not say that, because lines which we have opposed have been thrown out over and over again; therefore, it would be a very difficult thing to say that we have not been gainers by being heard; in fact, many lines which ought not to have been proposed have been thrown out, which would have been granted if we had not been heard against them; we have defeated many speculative lines.

2571. If they were never to be made, they would never have competed with you?—But unfortunately, when Acts of Parliament are obtained, the very fear of the competition, I am afraid, gets a market for them. There is no doubt that many lines have been thrown out properly by Committees which were probably speculative lines, and have been defeated by the existing companies, which very likely would have passed if we had been shut out from being heard.

2572. Mr. *R. Hodgson.*] Do you not think that it would be a remedy for competition if all companies were obliged to allow through booking over their lines, from end to end, to all parties?—Upon the question of facilities and through booking, if each company can give a fair return to the other, that is to say, if one company can offer to the other traffic about equivalent to what it will receive from the other, it is then a fair and proper thing to do.

2573. I did not ask that; I asked you whether it would not prevent a tendency to promote competing lines?—No doubt. If there was universal through-booking and facilities throughout the kingdom, there would not be so many new lines; but then it would never do to have compulsory through-booking by a little company, say, of 20 or 30 miles, which has no important traffic upon its line, with the whole of the London and North Western system, the first company having no equivalent to offer, and through them perhaps a great rival might be let in. Whenever any fair equivalent of traffic can be given the right principle, and I think the tendency now is, to agree to facilities over each other's lines, but there are cases where it would be very hard to compel that advantage to be given by one company to another who had nothing to give in return.

2574. *Chairman.*] You say that you would always allow objections to be heard on the ground of competition?—I would allow the parties to be heard.

2575. Then as a remedy against extreme cases of objections, on the ground of competition, which ought not, in your opinion, to have been made, you would allow the Committee to award costs?—I would.

2576. Mr. *C. Forster.*] I suppose in the same way as costs are now given by Election Committees in the case of frivolous petitions?—Yes; I think that the power of giving costs would check any extreme case, such as has been alluded to.

2577. *Chairman.*] Supposing that a landowner subsidized by a railway company, and having all his expenses paid, were to start objections to the preamble of a proposed scheme, and they were obviously objections which ought not to have been made, there being no case, would you award costs against such landowner?—You mean if he opposed at the suggestion of the railway company, and not for his own protection?

2578. I do?—If the Committee thought that the particular case of that landowner was not a case against the preamble, but that he was so subsidized, I would award costs against the landowner.

2579. That is to say, it being obvious that the landowner was not representing himself, but merely appearing as the agent of the railway company, and having all his expenses paid to him, you would award costs against him?—I would give the Committee the power to do so.

2580. How

2580. How would you ascertain that he was subsidized by the railway company?—That would of course be the difficulty, but I should say, generally, upon the question of landowners, that supposing a landowner objected, and had no good ground of objection, fair offers, for instance, having been made to him, which the Committee thought he ought to have accepted before, I do not see why that landowner should not pay costs if he was unreasonable in his opposition, any more than a public company. If his objection was really a substantial one, where the promoters had not met him properly in what he wanted, then, on the other hand, he would be entitled to his costs for coming to the Committee; but if he came unreasonably to the Committee, the promoters having offered him everything which he ought to have, I would give the Committee the power (it does not follow that they would exercise it; they would exercise it, I apprehend, only in extreme cases) to award costs, in the same way as in the case of any other person coming and asking an unreasonable thing.

2581. Mr. *Massey*.] Is it unreasonable for a man to come and protect his own property; you come to take away his property; he says, "I want to keep it;" would you award costs in that case?—No, because that is a reasonable thing for him to do; it is a reasonable case as you put it; but I think the power to award costs would, upon the whole, be beneficial to landowners; they oppose now and do not get their costs, although their opposition is a reasonable one.

2582. Mr. *R. Hodgson*.] To what extent would you give the power of awarding costs by the Committee?—In whatever cases the Committee thought that the proposal to them was unreasonable, and a thing which ought not to have been made, I should give them the power of awarding costs on either side.

2583. Mr. *Puller*.] If I understand you rightly, you would make the awarding of costs to depend not so much upon the character in which the party came before the Committee, as upon whether the case which he made was a strong case or a weak one?—I would make it depend upon whether it was a frivolous thing or not; that is really the way to put it. Some rules would no doubt be laid down for the guidance of Committees, but in extreme cases where the objections were frivolous, and the Committee were delayed for days upon frivolous things, the Committee ought to have the power of awarding costs on either side.

2584. The awarding of costs would depend not upon the character in which the party came before the Committee, but upon the nature of his opposition?—Yes.

2585. Mr. *R. Hodgson*.] Would you make any distinction where the promoters of a Bill came more than once unsuccessfully before Parliament?—I would give the Committee a power to award costs if they thought the renewed application unreasonable. I will give you a case of my own which is in point; I have had for two or three Sessions to go and defend a station of mine, parties asking for power to come into it, contrary to agreement. I have defeated them two or three times; I say that it is a very hard case that we should have to go year after year to defend our own station, in the face of an agreement, and that very thing has probably cost the London and North Western Company 500 *l.* a year for three years; the Committee ought, in that case, to have the power to award costs.

2586. Would you leave that power in the hands of the Chairman, or of the Committee at large?—The question of costs, I think, is more a question which the whole Committee can judge of, because it is not so much a question of practice as of the merits of the case; it is a question on the particular case.

2587. You draw a distinction, then, between the question of *locus standi*, and the question of giving costs?—Yes, and for this reason, that on the question of *locus standi*, a gentleman who has had experience, Session after Session, and has given decisions upon the principles, is more likely to be a safe judge upon those principles than the Committee at large. On the contrary, upon the question of costs, where it is a question of merits altogether, which all the Committee have heard, I think that there is no objection to the Committee having the power.

2588. Do you think that there should be any limitation to this effect, namely, that the Committee should be unanimous upon the question of costs?—That is a question of detail. If the Committee have the larger question to decide upon, namely, the Bill, and if the majority carries it, I do not see why you should limit

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limit them on the smaller question of costs. I should think that the general principle ought to prevail of the decision being that of the majority of the Committee.

2589. Is the question of *locus standi* too large or too small for the Committee to decide?—I do not represent the question as being either small or large. I put it, as I have repeatedly said, upon this ground, that inasmuch as it arises out of general principles, and a permanent Chairman will have had to consider those principles, Session after Session, he is in a better condition to give a judgment upon that particular matter than a fluctuating committee.

2590. Mr. *Puller.*] You have expressed the opinion that a landowner or a company who obtains a *locus standi* by the decision of the Committee, and does not make an effective opposition, ought to be subject to costs. Is not every opponent of a Railway Bill in this position, that he may either succeed by the goodness of his own case, or by the weakness of the promoters' case?—No doubt.

2591. He is in the possession of his property, and the promoters have to make a good case for taking it from him?—No doubt.

2592. Can he possibly tell before he comes and hears the promoters' case, whether they have a strong case or a weak one?—Qua landowner, I think he can judge whether the railway proposed (because he knows what the proposal is; namely, that it is to make a railway from A. to B.) is one which his particular interests ought to prevent; that is to say, whether the amount of injury to him is of that importance that he ought to come and oppose the preamble.

2593. Is there not in every case of a Railway Bill, a balance between the injury to the individual, and the advantage to the public?—No doubt.

2594. Can he tell beforehand what case the promoters will be able to substantiate of advantage to the public?—I think that in the case of a railroad from A. to B., any landowner in that district can judge whether it is required or not; in fact, a landowner in the district is the most likely to know whether the proposed railway accommodation is required or not. I know that the question of landowners is a very nice question, and I believe that even if you gave to the Committee the power of awarding costs, they would exercise it very rarely.

2595. Is it not very often a question of a great deal of conflicting evidence as to the real nature of the traffic which is likely to be developed?—No doubt; the question is whether the traffic is of that importance that it will support another line of railway, if there is an existing one, or will support a line of railway at all.

2596. Is it not for the interest of the public that every scheme which is brought before Parliament should be thoroughly sifted?—Yes, no doubt.

2597. If you discourage existing companies or landowners from sifting, out of regard to their own interests, the schemes which are brought before Parliament, will the public have the same security for the rejection of bad schemes as they have now?—Certainly not; but my opinion is that landowners have never been really of much importance in sifting inquiries; they have generally been used by existing companies; after all, it is the existing companies who cause the sifting of the new schemes.

2598. *Chairman.*] Would it not be better that all opposition should come directly, instead of indirectly, through a landowner who is subsidized?—Clearly, the indirect mode of appearing through landowners has, in fact, been discouraged. I have always avowed it at once to the Committee. I have never tried to keep any secret about it. I think that Mr. Puller is aware that, generally speaking, the fact that the landowners are appearing in the interests of a company, and that the costs are paid by that company, is not now concealed as it used to be.

2599. Mr. *Puller.*] Then the tendency of your evidence is rather to remove restrictions upon existing or rival companies, and to let them freely in to give evidence against the promoters?—If the existing companies, or any other persons, whether a railway company or not, are injured by the proposed scheme, I would let them in at their peril to be heard against it, and if they made no case, then I would give the Committee the power to award costs. I think that the power to award costs would very much lessen the frivolous opposition in Committees.

2600. Mr. *Whalley.*] I understand you to say that the cases in which landowners

owners oppose on the ground that ordinary compensation for the value of their land would not be sufficient to meet the justice of their case, are very rare?—Yes; there are cases which I have known, where landowners have very properly appeared against a Bill, and successfully appeared against it, where it proposed to run through a gentleman's park, or near his house, and in cases of solid objections of that sort, where it is perfectly right that that should not be allowed; and I think that in that case the Committee very probably would award costs against the railway company making such a proposal; but where a railway company merely takes a solitary field outside a gentleman's domain, I do not think that because he has a *locus standi* which a rival railway company probably has not, the taking that field can be regarded as such an injury that he ought to be heard to fight the preamble of the Bill.

2601. *Chairman.*] In fact the rival company in that way get indirectly what the Committee would not be disposed to grant directly?—Yes; it is now entirely within the breast of the Committee whether they will hear the rival company or not, but a landowner has a right to appear if a railway goes through an inch of his land.

2602. The railway company in that way clearly evades a rule which might be laid down by the Committee, and gets heard through the landowner, whereas otherwise the company would not be heard?—They may do so; the practice now has decreased in that respect, unless the landowner has a very serious case against a Bill.

2603. Mr. *Whalley.*] Is it not the practice where it is found that a landowner has a strong case against the Bill to make use of him for the purpose of opposing that Bill, even though the railway company is not itself debarred from being heard, merely for the purpose of bringing his case forward?—There are frequently cases where a railway company subsidize the landowners, and they are both heard against the preamble of the Bill.

2604. Mr. *R. Hodgson.*]—You think it objectionable that a railway company should be heard under the cloak of a landowner, where the railway company has no *locus standi* of its own?—I think that they ought to be heard directly, if they are to be heard at all.

2605. And you look to the costs being given against the landowner, if his opposition is frivolous?—I do not think that you can make it a one-sided question; you must either not give the power to the Committee at all, or give them the full power in each case.

2606. You think it objectionable that a railway company should set up an opposition under the cloak of a landowner, where it has no *locus standi* of its own?—Yes; I say that they ought either to be heard directly themselves or not to be heard at all.

2607. And your solution of that difficulty is, that you would allow them to be heard?—Yes; checked by the question of costs if they come improperly.

2608. Upon the sole allegation that they were injured by the scheme?—That is a question as to what rule you would lay down; I was rather suggesting that there should be some general rules laid down in reference to *locus standi*.

2609. Did you not say that where a railway company's traffic would be injured by the scheme proposed, that railway company ought to be heard?—I think that they ought, because they would be injured.

2610. Mr. *Puller.*] In giving costs against a landowner, I presume that you would give costs in his favour also?—Certainly.

2611. Would not that have a tendency to multiply opponents very much?—I think not; I would give him his costs, and he would be justly entitled to his costs; but the practical working out of my proposal would be this: if I was promoting a line of railway, and the Committee had the power of awarding costs, before I came into Committee, the moment I got the petition of the landowner, I should write to him and ask him what he wanted; and if possible I should make him a fair and liberal offer, having in view the fact that the Committee would have the power to award costs against me if I had not treated him properly; that, I believe, would be done in every case; there would be an attempt to try and satisfy the opponents and deal with them liberally, knowing that the Committee had this power of giving costs; and if the landowner had had an ample offer made to him which the Committee thought very liberal, and he still came and opposed the Bill, I do not see upon what principle he should not have costs awarded against him.

2612. Would not the effect of that be pretty considerably to raise the value of his land?—I think not more than now; because to get rid of opposition we now frequently pay large prices for land; it would be a question whether the landowner's opposition was reasonable after the offer which had been made to him.

2613. Mr. *Liddell*] Practically have you found landowners willing or unwilling to treat out of the House with the railway company with which you are connected?—Generally speaking, now there is a very different state of feeling from what existed some years ago; landowners now are almost invariably in favour of railways, formerly it used not to be so; years ago there was a strong prejudice upon the part of landowners against allowing railways to come through their property; I now find that they are almost universally soliciting us to make railways.

2614. Mr. *C. Forster.*] Is not that the fruit of their getting large sums for their land?—I think that it arises from the benefit which they find that a railway is to their estate.

2615. Mr. *Liddell.*] You allow those liberal terms in order to avoid the expense of their opposition?—Yes, the power which I suggest with regard to costs, would be in the Committee. You would not be laying down any rule as to when they were to be given, but it is merely giving the Committee the power, and I am sure that they would never exercise it but in extreme cases, where they saw that there had been something very objectionable and frivolous on the one side or on the other, and the question of *locus standi* would be very much regulated by the question of costs; people would not come with frivolous cases if they were afraid of costs being awarded against them.

2616. Colonel *Wilson Patten.*] Supposing that you had not permanent Chairmen, and that the present mode of conducting Committees was to be proceeded with, would you give to the present Committees the power of awarding costs?—Yes; I do not think that that would alter my opinion upon the question of costs. I hope that there is no chance of the present permanent Chairmen being discontinued; it has been a great improvement over the old system.

2617. You do not see any objection to giving the power of awarding costs to tribunals, as numerous as they are at the present time?—I do not; I would give every Committee the power of awarding costs.

2618. Mr. *Whalley.*] Do you not consider that the giving to a Committee the power of awarding costs, would tend to deter *bonâ fide* projects; projects, say, for small lines put forward by landowners; would it not add to the risk attending the progress of such projects through Parliament?—I think not, and for this reason, that if it is a *bonâ fide* scheme, and a landowner's line, the chances are that very few of those lines would be opposed by existing railway companies. I take it that the Honourable Member is alluding to short lines got up by landowners to put themselves upon some main line of railway?—Just so.

2619. To projects of that sort, there could hardly be any opposition on the part of existing companies; it would be rather bringing traffic to them than taking it away from them.

2620. Take the case put by the Honourable Member, Mr. Hodgson, of two parallel lines between two important points, and suppose that there is a town between these two points, which desires a communication by railway, the effect of that communication being to transfer a considerable traffic from one of these lines to the other?—You mean where there is no railway communication at present.

2621. Yes. Might not the railway company which would be deprived of traffic by that cross line, very energetically oppose such a line?—If it is a town which the parallel line does not reach, I can scarcely see how it would arise, if it has no railway at present.

2622. Take the Oswestry and Whitchurch Railway, where a line goes from Oswestry, which is upon the Great Western line, across to Whitchurch, which is upon the London and North Western line, and this transfers traffic which is at present enjoyed by the Great Western Company to the London and North Western Company; in that case the Great Western Company would oppose that line very strenuously?—Yes.

2623. Would it not greatly tend to deter the promoters of that cross line, who, I will assume, are *bonâ fide* landowners, or persons really desiring nothing but what is legitimate, from entering upon that project if they knew that the

Committee

Committee had the power of giving costs?—I think not, because the Committee would have the power both ways; that is the thing in my mind; in fact, I would make opponents pay the costs if they came with a frivolous objection; and then, in the case which you put, it would be a very proper thing for the Great Western Company to be heard; for, as I understand the state of things which you put, their connexion with that system is at Oswestry. If they could satisfy the Committee that they could forward that traffic to all parts of England better or as well as by making a new line to transfer it to the London and North Western Company, then the Great Western Company would be very fairly entitled to come to the Committee and try and satisfy them that they ought not to be deprived of the traffic. On the other hand, the London and North Western Company might come and say, "We can accommodate that traffic much better than it is accommodated at present, and it is a great public improvement for that line to be made."

2624. Assuming that the evils of the present system are, inordinate expense, very great risk, inability to ascertain the amount of that risk before the project is carried out, and also great uncertainty of decision, do you think that those evils would be rectified by the remedy which you now propose, of giving the power to the Committee of awarding costs?—I do not; but I think what I have proposed would improve the existing system.

2625. With reference to the question of *locus standi*, you are aware that that subject was very fully considered by Mr. Cardwell's Committee in 1853, and that Parliament did, in fact, either issue Standing Orders upon the subject, or so far recognise the report of that Committee, as to lay down a rule somewhat according to what you have now suggested upon that subject?—I was not aware that there was a rule; I know that it has been a dead letter in practice; it has never been carried into effect.

2626. Looking at the nature of the constitution of the Committee, and considering that the whole question is referred by the House to a Committee, is it reasonable to suppose that they would be bound by any general Standing Order upon the subject of *locus standi*, would they not exercise their independent discretion upon a question of that kind, notwithstanding any Standing Order?—No; the position would be this, that if certain rules and principles were laid down by the House for the guidance of the Committees, I apprehend the Committees would pay attention to those rules, and would obey them as a matter of course; they would determine whether the parties came within any of those rules, and that would be the province of the Committee to determine, or of the Chairman, as I have advocated, on account of his experience.

2627. Questions of *locus standi* are not the only ones which cause great delay in discussion before Committees; there is the question of the nature of the evidence to be admitted?—Yes.

2628. Do you think that rules could be laid down in respect of such matters?—I think so; I think that the permanent chairmen amongst themselves could lay down certain rules which might shorten the inquiry very much and not do any injustice; in fact, I think that, practically, they have exercised that power to some extent in the last Session and the present Session; for instance, in objecting to two or three witnesses from the same place, upon the same subject. I think that, generally speaking, the chairman discourages that, and says "You need not call another witness upon that point;" one witness is called upon one subject from one place and practically it is reduced in that way, although there is no absolute rule about it.

2629. Then so far as any remedy has been provided for the present system, it has been by an approximation to one court?—That has been the tendency, and it is what we wish to see established; not having one decision in one Committee and a contrary decision in the next; if you can avoid that it is, of course, very desirable.

2630. You desire to avail yourself of the experience of the Chairmen as to their past practice, and that their decisions in the past should be a guide for the future, so that there might be some approach to uniformity of decision in these matters?—I have seen very large questions decided by Committees who have not been conversant with railway matters.

2631. Would not that object be more directly and efficiently accomplished by having some fixed and permanent tribunal, like the ordinary courts, which should decide with full knowledge of what had been the course of practice in

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the past, and with full responsibility for the efficient conduct of such business? —Do you mean some judicial outside tribunal.

2632. Some competent court of inquiry into these matters for the guidance of the Houses of Parliament?—I stated before you came into the room that I had not seen my way to a satisfactory plan for forming a total radical change of tribunal. I stated that although I had tried to do it, I had not been able to form an entire change of tribunal which would work satisfactorily to my own mind.

2633. Assuming that such a tribunal could not be devised, having in view its final judgment, might not a tribunal be devised co-ordinate with the present Committees giving to suitors for Bills an opportunity of applying in the present mode, and having their applications investigated as at present, or applying to such new tribunal?—You mean some optional tribunal?

2634. Some optional tribunal?—I should not think that that would be a practical thing; the first question is, are the Houses of Parliament prepared to give up the present tribunal.

2635. What would be in your mind the objection to the establishment of a tribunal from the Board of Trade, to which parties desiring a railway, might go, if they thought fit, or come to Parliament?—According to your plan where would the option rest?

2636. With the promoters, in the first instance, and at a certain stage of the proceedings I should propose that the opponents might have the power of petitioning Parliament to take cognisance of the matter, and to require the promoters to bring the matter before Parliament. We will assume that those details could be carried out?—Then, I think that the proposal would be a dead letter; either the promoters or the opponents would invariably bring the matter to the tribunal of Parliament, it therefore would not work at all.

2637. Upon what ground do you think that they would do so?—Probably the fact that the promoters went to the Board of Trade, would be the very reason why the opponents would wish the Board of Trade not to deal with the matter, but would wish the tribunal of Parliament to deal with it.

2638. Assuming that it would be a dead letter, would it be anything worse than a dead letter?—If it is a dead letter it can, of course, do no harm and no good.

2639. Might not this benefit result from it, that assuming that some parties thought fit to go before that tribunal, and that that tribunal took cognizance of the matter from the beginning to the end, such a tribunal would be enabled practically to ascertain the facts, and to recommend to Parliament with a weight which such a Committee as this never could possibly acquire, remedies for the present state of things. Would it not be a means of carrying out the inquiry delegated to this Committee by Parliament more effectively with the actual living experience of the questions before them than can be done by a tribunal like this?—Do you mean an absolute tribunal without appeal?

2640. Of course every tribunal of that kind to inquire into these matters would be subject to the decision of both Houses of Parliament, but by what I now suggest I am proposing that either promoters or opponents should have the option, if they were dissatisfied with the tribunal, and during the time while it was in the course of experiment, either of coming to Parliament, or of continuing before that tribunal?—I do not think that any benefit would result from such a plan. I think that the way in which it would work would be this: it would not be satisfactory without the power of appeal; if you leave the Houses to have their present jurisdiction, then the same matter might be referred to a Select Committee, as it is now; instead, therefore, of avoiding expense, and a protracted inquiry it seems to me that that plan would rather increase both.

2641. You are aware that the inquiry which we are now conducting has been made, year after year, several times, without any practical improvement in the system?—No doubt.

2642. Is it not the fact that the mode in which every court amends its jurisdiction, when it requires amendment, is by its practical experience of the questions, and of the inconveniences which arise in litigating the matters before it?—Therefore, I am advocating that there should not be a total radical change of tribunal, but rather an attempt to improve the existing one from that experience.

2643. Would not that attempt to devise a remedy be more effectually made by

by a court which should have cognisance of the living questions before them, and some railways actually contested before them than by a court like this, which merely deals with abstract questions?—I think not; I think that Railway Committees in Parliament, with permanent Chairmen, would have quite as much experience as any outside tribunal. But my great objection to an outside tribunal is, that it would not be satisfactory to my mind without appeal; if there was an appeal there would be the power to send the case to a Select Committee after it had passed that tribunal, and my impression is, that it would protract the inquiry and increase the expense.

2644. *Chairman.*] With regard to costs, supposing that there is a *bonâ fide* opposition by a landowner; he goes to his solicitor and he proposes to object to a railway scheme; he is at some expense in appearing before the Committee and having his objections heard; but he would have the additional risk under your plan of having costs awarded against him; would not the solicitor perhaps advise him not to make his appeal to the Committee, with the liability to so much expense, not only his own expenses, but the possibility of having to pay several hundred pounds to the promoters?—No doubt it would check it.

2645. I am now speaking of the *bonâ fide* opposition of a landowner; could not you limit the power of giving costs to the evil for which you have suggested the giving costs as a remedy, namely, where an existing company claims to be heard on the ground of competition; might not that be permitted with the liability to costs if the objection was frivolous, or was thought so by the Committee without extending it to the *bonâ fide* landowner who seeks to protect his property?—No doubt it might be so, but I am bound to say that I do not quite see the objection. If a landowner has a *bonâ fide* case against the preamble of a Railway Bill, of course, instead of his having to pay costs, the chances are that he may get his costs, but if he has only a frivolous case against a Railway Bill, and he comes merely for the sake, for instance, of getting a large and exorbitant price for his land, he having really no opposition which money will not meet, and which arbitrations have not provided for him. I do not see why the Committee should not have the power, if they think fit to make him pay the costs; it is not a case of hardship; they would only do it in very extreme cases against landowners; it would only be where they were really abusing their power.

2646. Mr. *Puller.*] Supposing that a landowner, to whom a very fair offer has been made by a company, admits that the offer is a fair offer, but prefers to keep his land, and comes therefore to oppose the company, he brings no case at all of his own, but confines himself to cross-examining and seeing that the company make out their case thoroughly; would you give costs against such a landowner?—I should think that the Committee would not give costs against him. My view is, that the question of costs would be used rather as a sort of power, to be exercised in extreme cases, and that it would never practically be exercised, except in extreme cases; but still the tendency would be to check people coming who had no case at all.

2647. Mr. *Paull.*] Do not landowners appear before the Committee as opponents, rather prompted by the railway companies?—Generally speaking, unless they have the case that they do not want the railway through their park or some other residential injury.

2648. *Chairman.*] Have you anything to say with regard to the fees of counsel; can you suggest any change in that respect?—Yes.

2649. Mr. *C. Forster.*] Do you think the present scale too high?—The question of counsel's fees is a very difficult one; but I will give you my opinion upon it, namely, that it will have to be done through counsel; you would not get any practical benefit, I think, unless you could get counsel to make the change themselves; and I fancy that you may get some change made which would be a benefit. At present, I cannot go into Westminster Hall and take up any young barrister and bring him up to the committee-rooms without paying him at least 20 guineas for his brief, 10 guineas a day for attendance, and five guineas a day for consultation. I think that the *per diem* charge of 10 guineas is not a wise one for the Bar themselves, and I think that if that restriction was done away with by the Bar, and you could have any young man that you liked for half the figure or any other amount which the Bar think reasonable to fix, and to bring him into a committee-room, it would be a very considerable improvement. There is no doubt that a very large pro-

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portion of the fees to counsel are made up of that 10 guineas charge. I have had many cases, not of so much importance that I could pay very much to counsel, but where I have wanted a barrister, and I should have been very glad indeed to have had a young man to watch the case and to put such questions as I wanted to lay the foundation for my own case; it would have been a great relief and benefit, and by that means you would also be probably training up a class of young men to take a higher position, whereas it is now confined very much indeed to a few men.

2650. *Chairman.*] You think that the minimum charge should be much reduced, with the power, of course, to eminent counsel to receive any additional charges which they might be thought worth?—I do not think that it would affect eminent counsel at all, because if you want first-class talent you must pay for it; the eminent counsel would get as much as they get now, and you could not get their services without it.

2651. Would you suggest that such a counsel as you have referred to should be allowed to come into a committee-room at the same rate of fee as he would get for attendance in an ordinary court of law?—There is a very analogous case in a court of law, namely, where a trial lasts for more than one day at Nisi Prius in the City; you have to give what is called a refresher, which is the same thing as the per diem charge here. In the case of Queen's counsel you generally give ten guineas a day, to a stuff gownsman you generally give five guineas; there they do allow a distinction of that sort. You are not expected to give so much to a stuff gownsman as to a Queen's counsel; here it is an absolute fixed rule of ten guineas to all counsel. If you liked the Queen's counsel to receive their ten guineas a day, and the junior counsel five guineas, in a committee-room, the same as at common law, it might be done.

2652. Mr. *Puller.*] Does a stuff gownsman never get more than five guineas a day?—You sometimes give more than ten guineas a day in important cases, where you have first-class men; but there is that distinction, and it is entirely in the power of the attornies to give what refreshers they think fit. As a general principle, I think that the Queen's counsel get about double what you give to a junior.

2653. *Chairman.*] The duration of a case before the law courts is never to be compared with the duration of an inquiry before a Committee of the House of Commons?—No, very rarely indeed.

2654. That, therefore, is a reason for the refreshers being at a lower rate, if they are so often repeated?—But there is a distinction drawn in the courts of law between Queen's counsel and stuff gownsmen, whereas the rule here is rigid for all.

2655. Mr. *Paull.*] Do you think that that distinction could be conveniently made before Parliamentary Committees?—I think so, with the consent of counsel; the thing would not work unless you could get counsel to make the alteration themselves; and I do not think that there would be an indisposition on their part to do so, as far as I have observed.

2656. We have heard that some of the junior counsel are in as large practice, and are as valuable to their employers as the Queen's counsel?—Then you would not get them; but you would do away with the restriction, and you could get some one else at a less charge.

2657. Mr. *Liddell.*] You do not wish to put a maximum?—No. The present etiquette of the Bar in Parliamentary Committees is understood to be (and therefore is a rigid rule in practice) that you cannot have any counsel unless you pay him 10 guineas a day. I want that rigid rule done away with by the Bar themselves.

2658. Mr. *C. Forster.*] Have you known many instances in which the junior members of the Bar have been perfectly up in Sessions practice, and where companies would have been very glad of them if they could have obtained their services before Parliament at a less rate?—No doubt there are such cases.

2659. Mr. *Puller.*] Would not a reduced scale of charges be injurious to the leading counsel?—I think not; if you want eminent talent you must pay for it.

2660. If you did not give him more than five guineas a day, you must make up for it by an increased fee?—Yes.

2661. Supposing that an inquiry instead of lasting, as was expected, 20 days, is cut short in three, it would be to the detriment of your clients to give a large brief fee?—No doubt it would in some cases, but I would not alter the amount

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as regards Queen's counsel and leading counsel; the 10 guineas to Queen's counsel might remain, but I want to have a stuff gownsman at a less charge, say half the money.

2662. You have stated that there have been many cases in which you would have been glad to employ some junior member of the Bar if you could have done it at a lower rate of payment; did you refer to cases in which you did not practically employ any counsel at all?—Frequently; for instance, I would have employed a junior counsel where I have gone myself and done the work, on account of the expense.

2663. In those cases, it would have been additional employment to the Bar if you had had the power of employing them at a lower rate?—Yes. I am a solicitor, and also a Parliamentary agent, merely for the sake of the power of going into Committees to save the London and North Western Railway Company the expense in certain cases, where I can do the work as a Parliamentary agent. In some cases, having important work elsewhere, I should have been glad to employ a junior counsel if I could have done so at a less rate.

2664. Mr. *R. Hodgson.*] Your opinion is that there would be no opposition on the part of the Bar to a reform?—I do not speak upon that point with any authority. I certainly know some members of the Bar who consider that this rigid rule with respect to 10 guineas might safely be done away with, and ought to be done away with.

2665. That there ought to be a license to pay a differential fee to counsel of different grades?—I think so.

2666. But you cannot speak from authority?—No.

2667. Mr. *Whalley.*] The ordinary penalty for a counsel doing what the Bar does not sanction, is that the other counsel will not, I believe, act with him. Supposing that a barrister was known to take five guineas, that would be the result?—He would be considered a black sheep. It is as rigid a rule as if it were laid down in strict law.

2668. Practically, they do not hold briefs with a counsel who disregards the rule of the Bar?—That is so.

2669. Mr. *C. Forster.*] It is now considered an improper thing for a counsel to receive less than 10 guineas a day for attending before a Parliamentary Committee?—Yes.

2670. And of course no counsel respects himself who does so while that rule is adhered to?—No; and I, as a solicitor, should not dream of asking a counsel to do so.

2671. Mr. *Paull.*] Have you ever tried to bring any counsel into a Committee for a less fee?—No; I have just stated that, as a respectable solicitor, I should consider it contrary to etiquette to ask a counsel to come for less money; and in the same way he would consider it contrary to etiquette to come if I asked him.

2672. You are not acquainted with the course which a counsel would take if he were offered a brief with a daily refresher of less than 10 guineas?—I am not acquainted with it, but I feel confident that all respectable barristers would decline to commit a breach of their own rules.

2673. You are not aware of the course which such a counsel would take as regards his professional brethren if such a brief were offered to him?—No, because I have never offered it; knowing what is the rule, of course I would not attempt to break it. As long as it is the rule I must conform to it, and all respectable practitioners would do so.

2674. Mr. *C. Forster.*] But you think that the Bar themselves would not be indisposed to change the rule?—I am sure that the junior members of the Bar would prefer it, and I think that the senior members of the Bar would not be indisposed to change the rule.

2675. Mr. *Liddell.*] Have you not occasionally done work before Parliamentary Committees?—Yes, occasionally.

2676. It is competent to any client, I presume, to employ any solicitor without employing counsel at all?—A solicitor cannot appear before a Committee of Parliament; he must be a Parliamentary agent; that is the rule in the Committees of the House.

2677. Is not the employment of a Parliamentary agent to do the work which counsel ordinarily does, a saving to the client?—I do not think that there is much saving; and then the question is whether you would get it well done; that

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goes into the question whether a solicitor can do advocate's work as efficiently as a barrister who has been trained up to it.

2678. Do not you feel yourself perfectly competent to do the ordinary work before a Committee?—It is a question whether the education and training of a solicitor makes him as competent to be a good advocate as the education and training of a barrister. Of course I know certain things, but I prefer to remain in the profession which I have chosen, and to employ a gentleman who has devoted his whole time to the other profession.

2679. Is not it the fact that a great deal of the work in the case of Gas Bills, Water Bills, and that class of business is now done by the Parliamentary agents before the Committee?—Yes.

2680. And admirably well done?—I do not say that it is ill done at all; on the contrary, I believe that it is well done.

2681. Is there not a good deal of railway business which is equally simple as the conduct of Gas and Water Bills, and which might be equally well done by Parliamentary agents?—I think not; I think that it requires an education to know the railways of the country, and railway policy.

2682. Mr. *R. Hodgson.*] Supposing that a Gas Bill is opposed, are not the parties represented by counsel?—Very frequently, I think.

2683. Mr. *C. Forster.*] But Parliamentary agents have the power to appear without the intervention of counsel?—Yes; but you will practically find, that if counsel are employed on one side, the parties will resort to counsel on the other.

2684. Mr. *R. Hodgson.*] If the case is important, counsel will necessarily be employed?—Invariably, I think.

2685. Mr. *Liddell.*] Can you clear up a doubt which remains in my mind; am I to understand that it is not competent for a solicitor, who is not a Parliamentary agent to appear before a Parliamentary Committee to conduct railway business?—A solicitor cannot appear according to the rules of the House.

2686. Who made that rule?—The Committee will not hear him; that is the practical rule.

2687. It is a rule of Parliament?—It is a rule of Parliament, but there is not much difficulty in the matter; you may be a Parliamentary agent without being a solicitor; anybody may be a Parliamentary agent, therefore, a solicitor in order to become a Parliamentary agent has merely to go and sign a book in the House and make himself responsible for the fees. There is no difficulty in every solicitor being a Parliamentary agent if he wishes it.

2688. Is not that a cheaper mode of conducting your case than hiring the services of counsel?—No doubt it is cheaper as to the money which you have to pay, but I should doubt very much whether it would be cheaper for the client in the majority of cases.

2689. Is not that a matter for the client to judge of?—No doubt.

2690. Mr. *Paull.*] Is the business which a Parliamentary agent has to transact so very distinct from that of a solicitor, that it might not all be done by a solicitor if he qualified himself by the payment of a small fee?—I think that a solicitor would be quite competent to make a good Parliamentary agent.

2691. That is not my question; might not the business which a Parliamentary agent who is now employed to transact, be transacted by the solicitor to the Bill himself?—I think that it might so soon as that solicitor had become acquainted with the technical rules of the House, so as to enable himself to perform the duties of a Parliamentary agent.

2692. Could not a solicitor with a great saving of time and money to his client, do the combined work of solicitor and Parliamentary agent?—So soon as he had become acquainted with the technical rules of the House, that is to say, so soon as he was competent to do the duty of a Parliamentary agent, no doubt it might be easily done.

2693. And it would be a very large saving in the bills of promoters?—It would be a saving no doubt.

2694. Of one-half?—Certainly not; the fees to Parliamentary agents are not large, and the practical difficulty would be whether work would be equally well done; for instance, country solicitors who are going to promote a Bill, generally speaking know nothing about the technical Standing Orders of the House;

House; so long as those Orders of the House are of the technical character, and of the importance which they are now, it is quite clear that the Parliamentary agents in London will always do that work for the country solicitors; it would only be in an exceptional case, where a solicitor has been a long time in Parliamentary practice, and understands the rules, that a Parliamentary agent might be dispensed with, because having become by experience acquainted with the rules of Parliament, of course he could do the work.

2695. Do not country solicitors almost as a rule transact any business which they have to do in London, through their London agents?—Invariably.

2696. So that that involves a country solicitor, a London solicitor, and a Parliamentary agent?—No. I misunderstood your question; I thought you meant business generally. If you mean Parliamentary business only, you will find that the country solicitors generally go to the agents, who can directly do it for them; there are not three persons employed. Generally speaking, you will find that in large houses in London (for instance, I know that it is so in the house of Messrs. Gregory & Co.) one of the partners is always a Parliamentary agent, for the express purpose of doing the Parliamentary work of their country clients.

2697. In that case, would not the bills be made out for the services of a solicitor, and also distinctly of a Parliamentary agent?—Yes, with this exception, that there is a rule in the profession that the profit of the London agent is divided in a certain way between the country solicitor and the agent.

2698. He nevertheless makes out three bills?—No; only two bills, because if it is Parliamentary work, the Parliamentary agent in the London firm does the work as Parliamentary agent; and therefore it is the same thing as going to a Parliamentary agent at Westminster.

2699. It is one bill with three divisions?—There are only two divisions.

2700. There are the charges of the country solicitor and the charges of the London solicitor?—No; only the charges of the London solicitor as Parliamentary agent. The London agent is paid just the same fees for doing that business as a Parliamentary agent practising at Westminster would be paid.

2701. I understand you to say that the country solicitor would do his work in some cases through a Parliamentary agent?—Yes.

2702. But that London firms have one of their partners a Parliamentary agent?—Yes.

2703. So that the country solicitor would communicate with his London solicitors, and one member of the firm would be a Parliamentary agent?—Yes.

2704. Making three distinct parties really employed, although one firm would do two branches of the work?—No, it not so; it is two persons. In a large house in London one partner attends to Common Law, another partner attends to Chancery, and a third partner attends to Parliamentary work. When a matter came up with reference to Parliamentary work, it would simply be handed to the Parliamentary partner.

2705. But there are two scales of fees, one for the solicitor, and the other for the Parliamentary agent?—Yes, but then the partner in the London house who has the Parliamentary work, charges Parliamentary fees, but his firm does not get any solicitor's fees besides.

2706. *Chairman.*] When a proposal is made for a Railway Bill by a Company, have you any suggestion to make with reference to an inquiry or some mode of testing the financial condition of the promoters?—I think that one evil in the past has been that you have had a number of speculative companies got up for the purpose of selling themselves, if they got their Act of Parliament, and which have really not been got up by the landowners, and by the inhabitants of the district through which the lines have passed. I allude to what are familiarly known as engineers' lines, and lawyers' lines, if you like; but I mean lines got up by engineers and contractors and lawyers for the purpose of selling themselves to, or being bought off by the existing companies. Now that has been one evil against which we have had to contend; and with reference to an answer which I gave as to whether our costs had all been thrown away, I may say that we have to a certain extent succeeded in defeating speculative lines, and to that extent our opposition has been fruitful. In all cases where companies of that description are got up, the present system of depositing money has been found to be no check; for

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this reason, that they can go and borrow the money from a banker, by pledging the Bill to him; they say, "we will not take the Royal Assent for this Bill, until you are secured your deposit money, if you will lend it to us," and they get an undertaking from the Parliamentary agent. Under these circumstances, bankers lend the money freely upon personal security, and the money is got for almost any project. I know of an immense sum which was got in the last Session for projects to a certain extent bearing the character to which I have alluded. Therefore the deposit system has failed to be a complete test of the financial ability of the promoters to complete their lines. I think that it is admitted to be a failure, and the question is whether there cannot be any other mode of testing the *bona fides* of a scheme which is brought before a Committee. I am myself strongly in favour of reviving the old principle of subscription contract. I think that it was a mistake to do away with it. I propose to revive the subscription contract, and let there be a sort of preliminary inquiry by the Committee before the general merits of the Bill are gone into, as to the financial ability of the promoters to complete their undertaking; and let them prove that they have a subscription contract, signed by men who are competent to pay the amount of capital which they propose to expend. Moreover, that subscription contract was not quite satisfactory in this respect, that although you could get people to subscribe to a contract for the purposes of a Parliamentary Committee, it was waste paper as soon as the Bill was out of the Committee. I should propose that in addition to the subscription contract the subscribers should not be allowed to part with their shares until a certain per-centage of the capital had been paid up, so as to make them responsible up to a certain period, and not able to get rid of the responsibility by transferring their shares to men of straw, and practically rendering the subscription contract of no avail. I myself believe that the desired object would be effected by a subscription contract such as I have mentioned, with a restriction that, until a certain per-centage of the capital, say 25 per cent. (or whatever may be considered a proper amount, had been paid up) the subscribers should not sell their shares, and not get rid of the responsibility. I am of opinion that in that way the *bona fides* would be very much tested, and that it would have a tendency to check what are called mere speculative lines.

2707. Mr. *R. Hodgson.*] Would it, at the same time, prevent what may be called, not speculative, but independent lines?—I think that it would not have that tendency where there was really a desire to have a railway; they could always, I think, if it was a *bonâ fide* thing, get parties to subscribe who were willing to remain liable until that per-centage was paid up, and yet it would check any mere speculative undertaking. At all events, it is perfectly clear that the present system is no check. I think you will find that to be the opinion of all parties concerned.

2708. Mr. *Puller.*] Is there not a general indisposition amongst country gentlemen and quiet people to subscribe to a railway until the Act is obtained?—If they could get a railway without subscribing, they would not do it.

2709. Are there not many people who are anxious to have a railway, and quite willing to subscribe to it, when the Act is obtained, but who hold back until the Act is obtained; has not that been found to be the case in practice?—I cannot say that; there is no doubt an indisposition for gentlemen to bind themselves by a subscription contract beforehand; they prefer not to do it, I dare say, but if it was a condition of their getting a railway, I do not think that it would prevent their going for a line of railway if it was a *bonâ fide* thing, and was to benefit them.

2710. Mr. *R. Hodgson.*] You propose to revive the subscription contract?—Yes.

2711. Are you aware that when the subscription contract was in existence, under the Orders of Parliament, it was constantly evaded?—Yes.

2712 You propose two guarantees, which you think would not be evaded in future; first, that a preliminary inquiry should take place by the Committee, as to the substantiality of the signatures; and secondly, that the subscribers should hold their shares until 25 per cent. or some other per-centage of the subscription was paid up?—Yes; those are the two guarantees which strike me as being calculated to meet the defects of the present system.

2713. Would it answer the purpose which you have in view, if that inquiry were made by the Examiner on Standing Orders, instead of by the Committee?—I think

—I think not; I should myself prefer that the inquiry should take place before the Committee.

2714. Will you state why?—I am looking to the permanent Chairmen as being men of a different status and position from the Examiner.

2715. But the inquiry which would have to be made, would be simply as to the means of the persons who had subscribed the contract deed to fulfil the obligation which they had undertaken, would it not?—Their ability to do so, no doubt.

2716. Would not the Examiner on Standing Orders be equally competent to do that, as the Chairman of the Committee?—He would be able to do it; whether as competently or not, is another question. As a matter of detail, I do not attach very great importance to it, if it is done; the thing would be to take care that it really was done, and that the fact was really ascertained.

2717. You understand that one great object of our present investigation is to reduce the expenditure of parties coming before Parliament?—Yes; so I understand.

2718. Supposing that the subscription contract was invalid, by reason of the subscribers not being men of sufficient means, would it not be a material saving if that fact was found out at a preliminary stage before the Examiner on Standing Orders, rather than waiting until the Proceedings of the Committee had commenced?—It would save expense, undoubtedly.

2719. In that point of view, would it not be an improvement?—It would; it would no doubt save expense to let the Examiner do it rather than the Committee themselves.

2720. In the case of existing companies, would you propose to have any preliminary inquiry as to the means of companies to perform the obligations which they proposed to undertake?—I do not see why they should be exempt if there is any doubt about their ability.

2721. Do you propose a subscription contract in that case also?—No, because they are already an existing body; to an existing body a subscription contract would scarcely apply, because they come in their corporate capacity to do the work. I think that if then there was an inquiry it should be whether their financial position as a company was such that you had a guarantee that they could make the new branch railway which they proposed, because it must form part of their undertaking.

2722. The inquiry would be whether they had the necessary credit and confidence to raise the funds to construct the new line?—I think so. I am of opinion that that would be quite proper.

2723. Mr. *Puller*.] You say that you consider the deposit not sufficient evidence of the financial solvency of the promoters, and that for that purpose you would recur to the subscription contract, What is the great importance of ascertaining the financial solvency of the promoters?—I have just stated that I have known in my experience that there has been a very large number of speculative lines really got up for the purpose of selling the Act of Parliament when it is obtained, to the existing companies, under the fear of competition, and so on. Engineers and solicitors get up a line, and say, "This is a line upon which if we obtain an Act of Parliament, we can get a guarantee from the existing company." A great number of lines have been got up in that way, and the mode of getting the deposit is to borrow it, and, therefore, you have really no *boná fide* party before you promoting the scheme beyond the engineer and the solicitor.

2724. *Chairman*.] But the existing company would not buy the line unless, if made, it would withdraw some of their traffic?—They would, no doubt, buy it from a fear of its injuring their existing line.

2725. They buy it, but they do not make it?—They are obliged to make it, or they forfeit the deposit.

2726. If they do not make it, the powers expire?—Yes, and they forfeit the deposit money.

2727. There is nothing to prevent other parties coming and doing the same thing over again?—Certainly not; they may come again, no doubt, in the same way.

2728. Is not that a check in itself against purchasing these lines?—I am afraid not.

2729. Would not the companies say, "It is not worth our while to buy a

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thing of this sort; we had better leave the parties to make it, because if we buy it and do not make it they may come again?—The company generally make the line for the very reason that if they bought it and dropped it somebody else would come. A new line, for instance, comes before Parliament; an Act is passed, and the promoters get some hostile powers over the existing company into their stations; the existing company know that those powers can be so used as to obstruct the traffic on their line, and that they dare not let the new company come in to plague them, and therefore they are forced to buy them.

2730. And they make that new line?—They make the new line.

2731. Therefore the public get the benefit of that new line?—Yes, but the public do not promote it. If it is a *bonâ fide* public scheme I have no objection to it.

2732. Surely, as a general rule (I do not say that there might not be some exception), every new railway must be an advantage to the public in some shape?—Of course, every new railway which accommodates even one passenger must to that extent give an accommodation to that one of the public; but the question is rather this: There is an existing line of railway between A. and B., quite competent to carry the traffic, and there is no complaint about fares, because everybody admits that the fares must be the same. A speculative engineer says, "We will have another line between A. and B., because the existing company will buy us off; we shall get our costs;" and they will pay for the Act of Parliament; they get the Act of Parliament and sell it to the existing company.

2733. If this speculative line, as you term it, is not a paying line, would not the existing company be able to ignore the speculators, and leave them to make the line at their own cost, which probably they would not be able to get the money to do if there was no probability of traffic, or of its being a remunerative investment?—It might no doubt die a natural death in that way; but it is the power of mischief; it is not simply the power of accommodating the public; they know that the moment they make and complete the line, they can by violently reducing the rates, get a division of the traffic. Therefore, no doubt between A. and B. the public get the choice of two routes, but the existing line is quite competent to carry the traffic at the same rates as the new line will do; but the promoters of the new line know that they will drive the existing company into a division of the traffic, and will get half of it.

2734. You must assume that the line does not fail upon the merits; you say that, however meritorious it may be, it should fail if the financial investigation did not show that it was supported by solvent parties?—Yes.

2735. Why should that be, if they sell a line which is beneficial to the public through not being able to make it themselves, at any rate the existing company make it, and the public get the benefit of it?—They do not get much benefit if the same company make it. The notion is competition; if the two lines are in one hand, there is no competition, and yet a double capital has been uselessly expended between those places. It is the power of mischief which induces the existing company to buy off the line.

2736. Mr. *R. Hodgson.*] Is there not this class of speculation; a new company propose a line which may be advantageous or dangerous to two companies, and they put themselves up to auction between them?—Constantly; these speculative lines to which I am alluding are generally of that description.

2737. In that case neither company dare let the new line alone, for fear the other should get it?—Yes; it is the power of mischief against the existing company, and it is the dread of the mischief which the speculators may do that compels the company to purchase.

2738. *Chairman.*] Would you increase the amount of the deposit?—Practically speaking it is found to be of no effect.

2739. Mr. *Puller.*] Is not the real object of the deposit now, and was not the real object of the subscription contract formerly, to give a security to Parliament, that when the Act is passed, the line shall be made?—No doubt; to show that the parties are able to construct the line, and that, therefore, it is a *bonâ fide* one.

2740. And

2740. And that it will be made?—And that it will be made.

2741. That is the real object, not to show that there is ability to make it, but that it will be made. If you secure that that deposit shall be ferfeited, have you not a sufficient check?—No, I think that it is not a sufficient check, for this reason; for instance, the deposit probably will not amount to above 7,000 *l.* or 8,000 *l.* in an ordinary case; it is quite worth the while of the existing companies to let the deposit money be forfeited if they buy up these speculative lines; therefore you do not by the deposit ensure the making of the line.

2742. Then the tendency of your evidence is that the deposit is not enough?—The deposit does not effect the object in view, that is quite clear.

2743. But yet you would not be for increasing it?—I doubt whether by increasing it you would attain the object which you have in view; namely, discouraging mere speculative lines which are got up for the purpose of being sold to the existing companies; any amount of deposit would not, I am afraid, effect that, although a large amount of deposit might secure the line being made.

2744. Suppose the deposit to be 20 per cent., instead of 8 per cent?—It would not prevent these speculative lines from being brought before Parliament, but it probably might secure the line being made if passed.

2745. Mr. *Liddell.*] Do you see any objection to allowing these preliminary inquiries into the financial power of a company to construct a line being instituted by the Board of Trade?—I should be against having any separate jurisdiction as regards a mere financial inquiry. I think that the Examiner, as has been suggested by an Honourable Member (and who is certainly preferable as regards expense to the Committee) is quite competent to enter into that question without having any separate jurisdiction about it.

2746. Would it not simplify matters, and in some cases cheapen them, if the Board of Trade were to satisfy itself as to the financial position of the company, and if not satisfied, were *in limine* to stop the line from proceeding?—I think that before the Examiner it would have the same effect. An Honourable Member's proposal, that it should be done by the Examiner, upon consideration, and looking at the question of cost, I am inclined to think is right, rather than that the Committee should do it; it would be only like a Standing Order which every Bill must comply with, or be sent up stairs and get a dispensation, previously to going before the Committee upon the merits.

2747. I understand that you prefer that the examination should be conducted by the Examiner, rather than by the Board of Trade?—Certainly.

2748. Mr. *R. Hodgson.*] What do you say with respect to the House fees?—I think that there is a grievance with respect to the House fees; an *ad valorem* fee is paid upon the amount of capital which you propose to raise by a Bill, and when the amount of capital is large, it becomes very serious, and yet the Parliamentary offices have no more trouble, and are put to no more expense by a Bill raising two millions of capital, than by a Bill raising 100,000*l.*; but the fees, I believe, are about ten times the amount.

2749. Have you any proposition to make upon that head?—Simply that there should be no *ad valorem* fees on Bills raising capital.

2750. As to the opposition on Standing Orders before the Examiner, have you anything to say?—I think, myself, that looking at the question of cost as an important element in the consideration, all Standing Order opposition should be very much discouraged; there ought to be some very substantial ground indeed to throw out a Bill upon Standing Orders, and not the mere technical grounds upon which we have been in the habit of opposing Bills, namely, little cases of fields being omitted to be numbered, and small things of that kind; I think that there ought to be some very grave and substantial objection, for it to be entertained against a Bill upon Standing Orders.

2751. Are you speaking of the preliminary investigation before the Examiner on Standing Orders, or with respect to the duties of the Standing Orders Committee?—I think that the Examiner should have a larger discretion to disallow certain things.

2752. You think that the Examiner should not be required to report every trivial non-compliance with Standing Orders, but should be allowed to remit it?—I think so.

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2753. And that he should only send very grave questions before the Standing Orders Committee?—Yes; I should let him deal with a large class of Standing Order objections, with regard to disallowing objections, and then if he came to a grave objection, about which he had a doubt, let the matter go up-stairs; I am bound to say that these small objections have in later times been very much discouraged by the Committee up-stairs, but yet you have to go through that process.

2754. You act as a solicitor for Bills, do you not?—Yes.

2755. You are acquainted with the system of fees to solicitors in respect of copies of Minutes of Evidence?—Yes.

2756. In some cases the fees in that respect amount to a very large sum, do they not?—For copies of evidence they amount to a very large sum.

2757. Should you say that that sum is quite disproportionate to the work which is done by the solicitor in respect of those Minutes of Evidence?—I at once say that copies of Minutes of Evidence are not worth the money which the solicitor gets paid for them.

2758. Do you think that the remuneration to a solicitor would be more satisfactory to him if it were based upon the work actually done by him, and if the charge to the parties for Minutes of Evidence were merely the amount at which the House could supply those Minutes of Evidence?—That involves this consideration. The present mode of paying a solicitor I have felt for years is a wrong one. I am quite ready to admit that he is paid for really large services, in an indirect mode. A solicitor gets a profit out of copying, and out of clerks' work, and it is an indirect mode of paying, but the courts have laid down that rule. He is paid by the length of documents, and is paid indirectly for his professional services. Then the question which you now put to me involves the whole principle of the payment to solicitors generally; because if you reduce one thing on which their emolument indirectly depends, and introduce no alteration in the scale generally, of course that is an injustice. I think that a total revision of the mode of paying a solicitor would be an extremely proper thing; but I am afraid that you must take it as a whole.

2759. Do you think that a better principle could be adopted than that of remunerating solicitors by means of a fee upon the copies of Minutes of Evidence?—I think that it is a mere indirect mode of paying a solicitor for other business, and therefore is not a thing which you can defend upon principle. I would very much rather have the entire scale of charges revised, paying the solicitor properly for his services, than that the payment should be in that indirect way; but it would be doing an injustice to the solicitor, and he would not get paid at all, if you reduced the payment upon copying without revising the other charges.

2760. Colonel *Wilson Patten.*] Would you raise the other charges?—We should be obliged to do so.

2761. Mr. *R. Hodgson.*] Do you think that the present practice renders the solicitor liable to this insinuation; that for the purpose of increasing his own remuneration, he unnecessarily multiplies the copies of these Minutes of Evidence?—No doubt he is open to that imputation; and the only advantage respecting it is this, that people generally take care to go to a respectable solicitor. Your only protection is by going to a respectable solicitor in whom you have confidence, and who you know is too honourable a man to make costs for the mere purpose of making costs.

2762. Solicitors are likewise paid for copies of clauses, and copies of other documents connected with the business before the Committee?—Yes.

2763. Considerable fees?—They are paid the charges for copying, and realise, no doubt, a profit upon it.

2764. Does the same objection, more or less, apply to that mode of remuneration in respect of those copies, or not?—Yes, it is the same principle. Instead of paying a solicitor directly for his services, you pay him indirectly for all these copies of papers, and the law has so laid it down. If you cannot produce the paper, you cannot obtain the costs.

2765. Is there not this difference, that in an important case, where counsel are employed, there must necessarily be a number of copies of the Minutes of Evidence made?—That is so; you generally have the number of copies that you have of counsel, and one for yourself; that is the rule.

2766. I dare

2766. I dare say it is within your experience that 12 or 14 counsel may have appeared in a committee-room upon one Bill?—I have seen that.

2767. With that number of counsel, and two or three solicitors, there would be 16 or 17 copies of the Minutes of Evidence required?—Yes, I have no doubt that you could find cases of that sort; but those are extreme cases.

2768. Do you not think that it would be more satisfactory if the Minutes of Evidence were printed, and copies supplied to the parties by the House, at the cost price, rather than being supplied by the solicitors, who, in fact, do not prepare them?—I do not see the slightest objection to that, if you revise the scale of payment to the solicitor generally.

2769. Having due regard to the proper remuneration of solicitors for their trouble in the case?—I believe, myself, that the solicitors are not wedded to that mode of being remunerated, if you remunerate them properly in a more direct way.

2770. Do you think that it would be much more satisfactory to suitors before Parliament that such an alteration should be made?—I do not know that the client cares very much whether he pays the solicitor for copies of evidence or pays him directly; it is a question of the amount of payment generally to the solicitor.

2771. Mr. *Paull.*] You have twice said that the remuneration by copies might be done away with, if solicitors were paid properly; will you kindly tell us any instance in which you think that they are not paid properly?—I have stated that, according to the principle of the payment of a solicitor now, it is by giving him certain profits upon documents drawn and copied by him; he is thus paid indirectly for other services by the profit on those documents. If you take away his profit on those documents it necessarily leads to a general revision of the scale of charges which a solicitor ought to have.

2772. You say that if you take away the remuneration by reason of the copies, then the solicitor is not paid properly?—Clearly.

2773. That being so, I wish to know where he is not paid properly?—What I mean is this; that if you were to say that he should have no profit upon those copies of the Minutes of Evidence, and should merely be paid the other charges, I do not think that you would get a respectable solicitor to practise in Parliament.

2774. The scale allowed on taxation is not adequate?—It would not pay him, because, in fact, this happens; that you lose your other practice, you are occupied in Parliament probably for a month or six weeks and away from your general clients and your general business, and you sacrifice your general business, and therefore it has always been looked to that you should have a higher scale of remuneration and profit in Parliamentary business than in your ordinary.

2775. Are not the charges in Parliament rather higher in order to meet that state of things?—They are.

2776. Irrespective of the copying remuneration?—I say again that I believe if you were to do away with the profit on copying in Parliamentary business you would not get a respectable solicitor to practise; I am confident of that.

2777. Mr *Puller.*] Can you give us any opinion of what proportion the fees on the copying bear to the other remuneration of the solicitor?—In heavy cases certainly more than half; I should think, very nearly two-thirds.

2778. Therefore you must more than double the other fees to make the remuneration the same, if you take away the profit on the copying?—Yes.

2779. Mr. *R. Hodgson.*] The more copies there are, the larger is the proportion of profit?—Yes.

2780. Mr. *Liddell.*] I understand you to say that it would be unjust towards the solicitor to deprive him of this indirect mode of profit without giving him an equivalent in some other shape, and that that would involve a revision of the whole scale of his charges. Speaking as a solicitor, do you think that such a revision of his charges might be made as would tend to lessen the expenses of the suitor; that is to say, do you think that a solicitor could do his Parliamentary work at a lower rate of charge than he now does, be it direct or indirect?—My impression is, that if the scale of charges was revised as a whole, there might be a saving in the conduct of Parliamentary business, in the remuneration of the solicitor. To remunerate a solicitor by the length of documents is not, perhaps, a wise thing, although it is difficult to suggest any

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other mode. In conveyancing, before I attended to Parliamentary work, I invariably broke through the rule with regard to the length of documents; I charged my client for a conveyance a round sum, such as I thought the transaction would bear; if it was a small conveyance, I charged him 5*l.* or 10*l.*, and if it was a large one I charged him one hundred guineas, or whatever was the fair thing, and I was paid for years in that way, without the slightest objection.

2781. I understand you distinctly to express the opinion that there is an opening for curtailing these Parliamentary expenses, which it is our duty to look into, in the direction of the solicitor's charges?—I think myself that it is a matter which ought to be revised, and fairly gone into. My belief is that you might in some cases fairly curtail the expenditure, but it would also depend a good deal upon your curtailing to a certain extent, if possible, the inquiry before the Committee. My evidence, I hope, has been rather leaning towards that view; first of all, in deterring any but *bonâ fide* parties from coming before Parliament, either as promoters or as opponents, by every possible test of their *bona fides*, and also in giving the Committee the power as to costs; it seems to me that in that way probably the inquiry might be shortened, and the expense lessened. With respect to the scale of charges, as I have said before, it would be an unfair thing to the solicitor to take away his profit upon the copying, if you did not revise the whole thing at the same time, for he is paid out of that profit for other work which he does, and it is a practice which the law has established.

2782. Mr. *Puller.*] Do you think that there would be a willingness on the part of solicitors as a body to take that matter into consideration, and to suggest a proper scale of charges such as would give them a fair compensation for their work, without their being obliged to be compensated in this indirect manner?—The solicitors are a very large body. I have myself very little doubt that the respectable solicitors would be quite willing to go through the charges and see how they could be revised, and if you are content to give the Parliamentary practitioner what he claims now, namely, extra remuneration for Parliamentary work, on the ground that he neglects and loses his general business, I have no doubt the respectable solicitors would be quite willing to go into the matter and see what they could do.

2783. Mr. *Paull.*] Does a solicitor lose much of his general business if he has a partner who devotes himself to the Parliamentary business?—Yes. I know in my own experience that we had a very large business in Liverpool; my old master was the first solicitor of the Liverpool and Manchester Railway; we had a very considerable practice, and by getting into railway work, and coming to London three months in the year, we were obliged to give up our Liverpool office altogether. I maintained it for a long time myself in Liverpool, and came up for the three months; but was obliged ultimately to give it up.

2784. That applies to a country solicitor; but it would hardly apply to a London solicitor, would it?—Yes; with a London solicitor who has a large general practice, it is impossible for him, during the period of Parliamentary inquiry, to conduct his general practice personally; and clients do not like to go to the other partner, because they have been in the habit of going to this particular partner, who knows all their private affairs.

2785. It has been mentioned to me that we have not yet quite got the mode by which a Parliamentary deposit is made. I understand that there is a percentage upon the capital paid; if the Bill is thrown out at the end of the Session the money is returned?—Yes.

2786. If it passes, then the money is returned if a bond for double the amount is given to the Treasury: is that so?—If the Bill is thrown out you get back the money from the Court of Chancery; if the Bill passes, the money remains, or a bond is given before you get out the money; that is equivalent to the security of the money as a guarantee that the line will be made.

2787. Either the money remains or a bond is given?—Yes.

2788. Who gives the bond?—Generally speaking it is given by two directors of the company.

2789. It is a personal bond?—Yes.

2790. Do you find, or is it generally found from your experience, that there is a reluctance on the part of directors to give those bonds?—Very much so, for this practical reason, that so long as that bond remains, the particular gentleman

gentleman cannot sell an inch of his land; it is a Crown debt upon his land, and he cannot sell it at all.

2791. Mr. *Whalley.*] Or lease it?—It is an incumbrance; and I know a case now where there is great difficulty in the matter, and I have been trying to get the sureties changed. It is the case of a gentleman who has a very large estate, and who has contracted to sell it, but cannot till he is relieved of this bond; and I have been trying to get the sureties altered. It is a bond upon the whole property.

2792. Mr. *R. Hodgson.*] By leave of the Treasury you can relieve a particular portion of the estate, if there is enough without it?—Yes, if the Treasury will permit it; but there is practically very considerable difficulty in getting that done.

2793. Mr. *Paull.*] Although that reluctance exists, is it not true that in the great majority of instances the money is released, and bonds are given?—Yes.

2794. Mr. *Whalley.*] You have gone through the different heads of your suggestions?—I believe so; I believe that I have nothing more to say.

2795. Assuming that all your suggestions should be adopted for the amendment of the existing tribunal, do you consider that it would be materially altered in respect of those points in which complaints have existed, namely, the want of uniformity in its course of decision, and the great expense attending applications to Parliament?—I have given my evidence, starting with this difficulty, that I did not see, and had not been able to devise a better tribunal if you were to change it entirely and radically. I was therefore driven to try to amend the present tribunal; I have suggested what strikes me as being amendments to be looked into at all events and considered; whether they are right or not it is of course not for me to say, but I think that I would rather "bear the ills we have than fly to others we know not of." My plan, I think, would rather take away your ground with respect to the want of uniformity. I think that by the permanent Chairmen meeting and laying down certain rules, and having some principles to act upon, we should probably secure some uniformity in the decisions of the Committees, or of the permanent Chairmen. I have hopes of it.

2796. Mr. *R. Hodgson.*] It has been suggested to us that one tribunal having given its decision the parties should be content with that, and not seek for an appeal to another House of Parliament; in your judgment would the public, or those who come before Parliament with Bills, be satisfied with one inquiry, without the right of appeal to another?—I think not, for this reason: in ordinary matters, if I have a question of 1,000 *l.* I can appeal to the House of Lords, and all the several courts of appeal. I can do so for almost any amount, if it is a question involving not merely 1,000 *l.*, but probably 20,000 *l.* or 30,000 *l.* a year, which in Parliament it very frequently is, I do not think that parties would be content to have no appeal. I therefore do not think that one tribunal would be satisfactory. That is my objection to having a tribunal outside, without any appeal from it. It would be just the same thing, I think, to make any of these Committees absolute, and having no appeal to the other House. I do not think that the parties would be satisfied with it.

2797. Mr. *Puller.*] Especially where the Committee was divided two and three?—Yes; I have known instances where justice has not been done in the Commons (I am not complaining of it) and has been done in the Lords; an Honourable Member present could give the Committee a very striking instance of that last Session, where the Committee undoubtedly decided wrongly in the Commons, and the matter was put right in the Lords.

2798. Mr. *Liddell.*] If you gave the appeal which you consider is just and necessary, that appeal would be attended with the same expenses as the present tribunal involves?—Quite so, and therefore I do not see the saving of expense; if you had an outside tribunal with an appeal (and I am sure that no party would be satisfied without an appeal) it does not seem to me that you would lessen either the time of the inquiry or the expense.

2799. Mr. *Puller.*] Do you practise in the other courts; are you familiar with the practice of the courts of equity?—Yes, I am to a certain extent.

2800. You are aware that at present the evidence in the courts of equity is given principally by affidavit?—Yes, in Chancery proceedings it is nearly all done by affidavit.

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2801. But the cross-examination is *vivâ voce* before the judge?—It is so, before the chief clerk or the judge.

2802. Can you tell the Committee how that works in practice; does it give satisfaction to the court and to the profession?—My impression is that it would certainly not be satisfactory if you think of anything of the sort in these tribunals; even in Chancery proceedings it has often been thought, and I agree with the feeling, that a *vivâ voce* examination would be very much better than by affidavits; and the courts have the power now to examine witnesses.

2803. That power is not exercised?—It is not exercised, for this reason; that the judges in the Court of Chancery have never been in the habit of doing it, and the barristers who practise in Chancery, have never been in the habit of examining witnesses, and they have a natural dislike to it; but I am pretty strongly of opinion that you elicit the truth better by a *vivâ voce* examination, than by any system of affidavits.

2804. But is it not a great object with the view of preventing expense, that parties should know beforehand what each other's case is, so that there should be no surprise in the matter?—I think it is; for instance, I think that there is no reason at all why there should be any concealment in these tribunals of what the case is, if any practical end can be secured by any system.

2805. Supposing that the promoters and the opponents were to give their evidence in chief by way of affidavit, but reserving the right to each party to require the presence of any of the witnesses to be cross-examined, would not that combine the advantages of both systems?—I think not; I think that in practice you would find that they would almost invariably ask the witnesses or the majority of them to come; it would be only in very minor matters that they would be content with the affidavit, and get rid of the witness. The cross-examination of a witness is always considered to elicit the truth better than by any affidavit or by anything which you can make; I think that you will find the feeling of the profession generally to be that a *vivâ voce* examination is more satisfactory than a written one; you see and judge of the manner in which the witness gives his evidence, whereas in the case of an affidavit you cannot do that.

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2806. *Chairman.*] YOU have been, and are now, I believe, the Chairman of some Railway Companies?—I am Chairman of six different Railway Companies in Wales.

2807. Of what extent of railways?—Nearly 300 miles.

2808. What description do you give those railways; are they running into one another, and part of a general system?—Yes, they are all parts of a continuous system; they have all been promoted for the purpose of supplying what was felt by the district, and by those who took the chief interest in promoting them, as an absolute necessity for the protection of local interests; and that unless they should be promoted, and unless they had been passed, the towns which they supply, and the districts through which they pass, would have continued in that course of deterioration, the experience of which led to their being promoted.

2809. You were a promoter, in fact, of several of these lines?—Of all of them excepting one, of which I was appointed director and chairman without my consent

2810. Then I suppose that you are a shareholder in these lines?—To the extent of upwards of 10,000 *l.*

2811. What have you to say upon the present system of railway legislation?—The experience which I have had in promoting those lines, and in conducting the business since the powers have been obtained, and in so far as they are constructed, is this: that those lines have cost at the least double the amount which they would have cost to the promoters if there had been a court for inquiry and adjudication upon the merits of those projects, from which some previous knowledge could have been obtained as to what would be the result of the several applications. I have carefully considered the matter, and I believe that I am not over-stating it when I say that they have cost double what they would otherwise have done. As it was found to be impossible in any one of those cases to induce landowners or residents in towns who desired these railways,

ways, and who certainly felt the want of them, to incur, in the first instance, the risk of taking shares in them, to the full extent requisite, it was necessary to have recourse to professional assistance; that is to say, to go to lawyers, and stipulate with them that the promoters should not be burthened with the costs of failure, or beyond a certain extent; it was necessary, in the same way, to go to engineers, and also to contractors.

2812. Is your point this, that in the case of those railways which you promoted, you think that the Bills might have been obtained for half the cost which was incurred if you could have anticipated the principles by which the Committees would have been guided, and if you could have seen beforehand what was necessary in order to get a Bill passed?—I do not say that the extra cost of the Bills has increased to that extent the cost of the railways; but, taking the first cost of the Bills, and taking the continual cost and risk to which these companies were exposed by repeated applications to Parliament, sometimes vexatious and sometimes otherwise, and taking all the consequences resulting from the absence of a settled system of jurisdiction on which we could rely as to our property, there has been, taking it altogether, an increase in the expense of those railways, in my opinion, of at least double what their natural cost ought to have been; and in addition to that, there has been very great inconvenience in the further conduct and management of the railways after they were made.

2813. Mr. *R. Hodgson.*] Will you be good enough to state the amount of capital of these 300 and odd miles of railway?—I think that you may average it at something more than 10,000 *l.* a mile.

2814. Was the Parliamentary tribunal answerable for 5,000 *l.* a mile, that is to say, 1,500,000 *l.*?—I consider that if those railways had been free from the difficulties which I have suggested, first, the additional expense of getting the railways; secondly, the additional expense of defending their interests on various occasions; and, thirdly, the extra cost which they have incurred in consequence of being obliged to have recourse to persons to take the risk of the first application for these railways, and who have thereby obtained a certain compensation for that risk, when they were successful, in the shape of a control over the railways. I have reason to believe that those railways which have cost 10,000 *l.* a mile might, but for those circumstances, have been constructed for 5,000 *l.*

2815. In other words, for 300 miles of railway, the Parliamentary tribunal is answerable for the sum of 1,500,000 *l.*?—Yes. I have, myself, made a railway of my own, and so I have the means of estimating what the natural and proper cost of a railway is if made as a gentleman would build a house, or do any other work of that kind.

2816. Mr. *Liddell.*] Do these lines of yours work in connexion with one or more main lines, or are they independent lines?—Each of these lines of which I have spoken, of which I am chairman, is independent of the other at the present time, but they run into the Great Western and the London and North Western Railways at certain points.

2817. Do they serve as feeders to any large arterial lines?—Yes.

2818. Did you not get support from those large companies in their construction?—No, on the contrary; the great companies have, as a general rule, opposed them. The origin of the lines was from a place called Oswestry, upon the Great Western line, into Wales, to Welchpool, Newtown, and so on, down towards Milford Haven. For that district for many years the Great Western Company and the London and North Western contended, and they had several applications to Parliament as to which company should get possession of that district, it being to a considerable extent the key of North Wales. They mutually spent a very large sum of money, and they were mutually unsuccessful, and they then determined upon a truce between themselves; and one condition of it was, that the district should be without railways altogether, and that they would take their chance of what traffic should come to their respective lines, the London and North Western being at Shrewsbury, and the Great Western being at Oswestry. Then it was that, arising out of an election in Montgomeryshire in 1852, I pledged myself, being a landowner, to do what I could for them to obtain this great desideratum of railways. I then commenced, and at great labour and anxiety and risk promoted these lines one after the other, and was opposed frequently by both companies, always by one

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or other of them; and I think that the last occasion, namely, the Oswestry and Whitchurch case, was the only instance in which anything like support was given to us by either of these great companies. Again that truce has been renewed in the most complete manner possible as to small lines which might be projected; that truce has been renewed previously to the present Session by the London and North Western and the Great Western Railway Companies. They have entered into an agreement, one of the objects of which is, that neither of these companies shall give support to any new line in that district without the consent of the other, and with certain conditions following, the result of which is, that certain outlying districts not yet having railways, have to depend entirely upon their own resources for obtaining railways, and those resources are not available under the circumstances that landowners and other persons, however desirous of a railway, are not willing to incur the great risk attending a contest in Parliament.

2819. *Chairman.*] I do not understand upon what ground these companies oppose your schemes; what was the ground alleged before the Committees; what *locus standi* had they?—I am not prepared to describe that exactly; they opposed generally through landowners; they subsidised landowners, and those landowners came forward, as in the case of the Oswestry and Whitchurch line; in that particular case one gentleman stated, that he should be rendered utterly miserable for the remainder of his life if a railway came in a certain direction within sight of his house; the very same gentleman who gave that evidence has now, I am credibly informed, stated that at the time he was comparatively indifferent; but that the line having been obtained, he is rejoiced at it, and has given every facility for its construction.

2820. Mr. *Puller.*] You have deviated the line, have you not?—Not at all; it was the same line.

2821. Did not you bring in a Deviation Bill in the last Session?—Yes; but it was thrown out.

2822. You say that these lines of yours are all independent lines; you mean that they are independent of the Great Western and the London and North Western Companies; they are not independent of one another, are they?—Yes.

2823. Do they not form one system altogether?—They form a continuous system.

2824. Do they not run into one another; and are they not all made by the same contractor?—They are not all made by the same contractor.

2825. Are not most of them made by him?—Most of them are.

2826. Did not one take power to subscribe to the other, and so forth?—Yes.

2827. That is something like a connexion?—Yes, they are so far dependent one of the other; that is the mode in which we have endeavoured to extend the system.

2828. Mr. *Liddell.*] You say that there were no railways in this district; would you on the strength of that fact have precluded these two great companies from appearing as opponents to your schemes?—I am not prepared to say that I would have precluded them; but what I have very distinctly to say is this, that their grounds of objection to the scheme should have been clearly stated, and that some tribunal should have been appointed which would investigate them and decide them, upon some principle which we, or at least those who found the money for them, or who were invited to find the money, might have some means of estimating beforehand.

2829. Mr. *Puller.*] If I have been able to follow you, your idea is that all this great additional expense has been incurred because, under the existing system, you could not get your shares taken until the Act was passed?—Yes, I may say that that is very much the key to the whole proposition.

2830. Supposing that, under any change of system, the right of opposing your schemes continued in the great companies, who thought that they would be injured if your Bills were passed, how would you get your shares taken any better; how could you possibly avoid the risk consequent upon having a fight from such powerful opponents?—I attribute the reluctance of persons to take shares to this circumstance, that they have no means of estimating what will be the expense of the lines if they are constructed; and, above all, what is the nature and extent of the risk which they have to incur. There is, first of all, the

the risk whether they shall succeed in obtaining the line, upon which Mr. Hope Scott stated, on a former occasion in his evidence, that he was never enabled to advise anybody whether he would succeed or not; and, secondly, if they fail, they do not know what will be the amount of the expense incurred, as in the instance of the Oswestry and Whitchurch line, where the case was as simple as it was possible to conceive, namely, a line from a place called Oswestry to another place called Whitchurch, with an intervening place called Ellesmere, the whole length of the line being 18 miles, the evidence being that Ellesmere had decayed and was decaying, and all property deteriorating, and the necessity of the line being quite obvious; but the Great Western Company raised a very great opposition.

2831. They had a rival scheme?—They had; but it was evident before the Committee that that scheme had been put forward after our scheme, and was put forward reluctantly. Evidence to that effect was given by Lord Shelburne, their chairman, and that it was intended as a block line, and not for the purpose of traffic being transmitted from Oswestry, which was upon the Great Western line, to Whitchurch, which was upon the London and North Western.

2832. Would it not have been equally within their power to put forward a rival line, whatever method of legislation was adopted?—Undoubtedly they could have put forward a rival line; but what I attribute the cost which we incurred on that occasion to, was this, that we had no means beforehand of knowing to what extent the Great Western Railway Company might carry their opposition, or what might be the expense of it, and there was no means of settling, in the first instance, the question of whether a line ought to be made between Oswestry and Whitchurch, and if it ought, by whom it ought to be made; whether by the independent company, or by the Great Western Company; but before that point was settled, all the details and the cases of all the landowners who were put forward, as they were, by the Great Western Company were gone into to an extent which involved many thousands of pounds' expense.

2833. Mr. *Paull.*] Has your experience shown you that private gentlemen and residents in the country are deterred from promoting public improvements by reason of the fear of Parliamentary costs?—I am quite satisfied that that is the prevailing feeling.

2834. Are you of opinion that opposition, such as that which was offered by the two great railway companies, to the scheme which you projected might have been dealt with to the satisfaction of both parties at less cost and in less time?—Yes, undoubtedly.

2835. Mr. *C. Forster.*]—Have you known instances, in the case of projected public improvements, where the question of cost has been the turning point?—I have no particular experience in any other public improvement excepting railways.

2836. Gasworks and things of that kind?—I have experience, as respects gasworks and other things, in this capacity, that I was one of the persons appointed to take the preliminary inquiries in 1847 and 1848, and subsequently; and the greater part of the Reports upon those preliminary inquiries were submitted to me for revision, and I pointed out to the Commissioners of Woods and Forests, who had charge of the matter, that it was impossible that those inquiries could have any influence upon the Committees, unless they were conducted upon some definite principle, and unless there was some superintending authority, such as the Inclosure Commission.

2837. *Chairman.*] Are you now about to state your remedy for the evils of the present system?—The remedy which I propose is, to extend to railways the same modes of inquiry as to the merits of the question as have been found efficient in several other departments of public business; that is to say, to refer them to a public department, who shall, by such means as they shall deem fitting (whether by local inquiry or not is quite immaterial, and is not at all an essential part of the scheme which I propose) take cognisance of these matters. I propose that the tribunal shall be constituted of persons who shall have as much affinity with Parliament as can conveniently be arranged. My plan is, that the Board of Trade shall be the tribunal, but that, as the Board of Trade is itself a Committee of the Privy Council, so it shall be a Committee of the Board of Trade, consisting of any number which may be determined (15 or 20 persons), to whom shall be delegated these inquiries, and that out of that num-

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ber of persons, Committees shall be formed to take cognisance of these matters. Three or four gentlemen would then be appointed to be the permanent chairmen of those Committees, and they would have the general conduct and management of the business. I propose that this Railway Council, as it is called in my Bill, shall take cognisance of these matters, exactly in the same manner as a Parliamentary Committee of five persons does now; that they shall report the result of their inquiries to Parliament, exactly as the Committees do now; and that Parliament shall retain, in each House, the same power as they have now of rejecting those Reports, and referring them back, or referring them to a Committee of their own House as at present.

2838. Unless you give the department some actual power to decide something which shall be final and binding, may it not happen that all this preliminary inquiry may take place, and, after all, the same Parliamentary investigation may go on which goes on now?—Such a council as I am proposing might be composed of persons in the position of Privy Councillors; it would probably be composed of Members of either House of Parliament, and would, therefore, be as well qualified by position and character to conduct these inquiries as the present Committees, and far better qualified, in so far as the members of that tribunal would by degrees gain experience. They would make their reports to Parliament exactly as the Inclosure Commissioners do, and Parliament would then not refer these questions to Select Committees as a matter of right, but they would do so if on discussion in the House any great principle was involved, or for any other reason which might appear to a majority of the House to demand such further inquiry.

2839. If any particular inclosure is objected to, is it not taken out of the schedule of the Public Act and dealt with separately by a Select Committee?—Not, except by a decision of the House. I drew the Inclosure Act in conjunction with the late Lord Worsley, and I remember that the same difficulties, and the same dangers of withdrawing from Parliament public business, were suggested.

2840. Is not there the same probability of a contest in the case of railway companies, where large capital and large revenues are at issue and great interests are involved, and will not all the powers which can be used by persons who are desirous of carrying some particular point, and who think that it is worth any expenditure which may be undertaken to support it?—Yes.

2841. Therefore, what is there to prevent in these cases, where such great interests are at stake, the same conflict in Parliament as goes on now, even after you have had your preliminary inquiry?—Nothing but the good sense of Parliament, who of course, when an objection was made to the report of such a Railway Council in favour of any particular scheme, and it was opposed on the part of some great interest, would say, "This interest is desirous of using the great funds at its disposal, which are given to it for one purpose, namely, the purpose of promoting railways, for another purpose, namely, that of preventing others obtaining the concession which they themselves have already obtained." That question would be fully discussed, and be considered in its last resort in each House of Parliament; and I consider that there would be much greater aptitude, and much more satisfaction to the public, in the preliminary investigation being conducted by a tribunal consisting, probably, of the same description of gentlemen as those who form the present Committees.

2842. In your opinion, the weight and influence of this preliminary committee would be sufficient to prevent Parliament from allowing objections to be gone into?—Yes; but on the other hand, while their report would come to Parliament with more weight with regard to the qualifications of the judges (because they would have experience) than the reports of the present committees, I think that each House of Parliament would feel more freedom to deal with their Report than it does with the Report of a Committee; because, as Honourable Members will allow, the work which gentlemen discharge upon a Committee is a very serious encroachment upon their time: and when they have gone through for many weeks, as is frequently the case, an inquiry of this kind, it is considered by Parliament somewhat ungracious to reverse their decision; and there is a leaning, as against the complainants, in favour of the tribunal, having regard to the great length of time for which they have been occupied, and the inconvenience to which they have been exposed. I therefore think that each House of Parliament, instead of parting with any of its power, would

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would feel more free to exercise that power, and would debate the matter with much more freedom, than is the case at the present time upon the Reports of Committees.

2843. Mr. *Paull.*] Would your Bill be declaratory or permissive?—I have had conversation with friends of mine, who are connected with large companies; and their objection is, that they do not like to be precluded, but that they like to have as many strings to their bow as possible. Their resources are quite inexhaustible; and they admit to me, and it is a notorious fact, that they use those resources for the purpose of beating down, by mere expenditure, these small projects, which interfere with what they call their interest: therefore they desire to have as many means as possible of testing the solvency, and the power of enduring expense, of these small projects. That is, in fact, one of their main means of preventing competition; but I think that, if that is a substantial objection, it is very easy to meet it: and I have prepared clauses to insert in the Bill, to the effect that any party who may be desirons of doing so, notwithstanding the establishment of such a Council connected with the Board of Trade, may apply to Parliament in the same way as at present, and that any party who may be dissatisfied with the decision, as an opponent, may have the power of presenting a petition to either House of Parliament, to be allowed to bring the whole scheme before Parliament as at present, and that the question shall be decided, by a committee such as the Standing Orders Committee, whether that petition shall be recognised.

2844. Then the Bill would be permissive?—Yes.

2845. Mr. *Puller.*] In that way it gives every opponent the option, as a matter of right, of going before a Parliamentary Committee?—That is a new feature in the Bill if it should be introduced; my view was to propose that any person who should object to the further management of the business, by the Railway Council, might at a certain stage, and before great expenses were incurred, before this Railway Council object to the further jurisdiction of that Council, and should state his objection to the House by petition; that that petition should be referred to a Select Committee, such as that over which the Honourable Member for Lancashire presides, and that they should say whether the claim of that person was substantial, and whether he had interest of sufficient importance to justify the House in recognising the petition.

2846. Mr. *Liddell.*] Have you reason to think that this scheme, or some such scheme, would be acceptable to the public, as far as you are conversant with their views upon it?—I have a very strong feeling that it would be entirely acceptable to the public. So far as I have had an opportunity of ascertaining the views of the public (and but for the proceedings of the Committee I should have taken more means of doing so, but I have not thought it right to communicate very freely upon the subject), I find a general concurrence amongst those who have had an opportunity of seeing the facility and the economy with which all matters of fact, and the merits of questions of this kind are investigated by local inquiries.

2847. Have any of the large railway companies considered your scheme?—Mr. Blenkinsop, who has been examined here to-day, has considered the matter very carefully, and he stated to me that his chief objection to the scheme was that there was no appeal, and it was at his instance in fact that I devised the clauses which I have last suggested, namely, making the matter permissive. He said that with the great amount which his company had at stake in the question, they could not make up their mind to any change; in fact, I believe that the present system is entirely in favour of the large companies, in so far as it involves any new project, not merely as regards expense, but as regards risk which prevents *bonâ fide* persons taking shares in new projects.

2848. Mr. *Paull.*] Do you anticipate that opposition would be more easily got over before such a tribunal as you propose than it is before a Parliamentary Committee?—I do.

2849. It was put to you by the Chairman that the inquiry might take place before the tribunal which you suggest, and then have to be gone over again before a Committee of Parliament; but you anticipate that if opposition became certain at an early period of the inquiry before your tribunal, and that the case must go to Parliament after all, the parties would discontinue the inquiry before your tribunal?—I do not anticipate that exactly, because I should assume that

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tne inquiry being continued to the end before that tribunal, the parties might feel reasonable confidence that it would not be re-opened, except under such exceptions as those under which an inquiry which a Committee has conducted is re-opened, namely, that a majority of the House should agree to refer that particular case to a Committee.

2850. Mr. *R. Hodgson.*] Do you think that any large contested case would ever stop without coming to Parliamant?—Probably not; but no inconvenience would result from its coming to Parliament; it would be discussed, and unless merits were shown to the contrary, the decision of the Council would be confirmed.

2851. But that which we are trying to obviate, namely, the expense attending private legislation, would be increased, would it not?—I am quite satisfied that it would be immensely diminished in 99 cases out of 100. In the case of the Inclosure Commission, I have ascertained that the average cost of all its inquiries has been 15*l.* 4*s.* 9*d.* Previously to that, the expense, I believe I may say, was not less than 500*l.*; and I have reason to know that fact from inquiries which I have made. In the matter of railways, many cases might be referred to Committees such as the present; but that would depend upon the success with which this Council should carry on its proceedings.

2852. Do you think that two trials would be conducted at a less expense than one?—Two trials cannot be conducted at a less expense than one; but I do not anticipate two trials; I anticipate only one trial in all cases except where the House itself shall be satisfied that a second trial ought to take place.

2853. Mr. *C. Forster.*]—I understand you to state that you have known instances where the expenses at present attendant on Parliamentary inquiries have prevented parties from going before Parliament?—Yes.

2854. Have you known instances where, in consequence of those heavy expenses, landowners, for instance, have chosen to submit to what they have considered injustice rather than incur expenses?—Yes, I have known many cases of that kind. While I think that, on the one hand, the present system affords landowners an opportunity of placing themselves in a very questionable position, as being the nominees and the counters, as it were, of great railway companies, I believe that, on the other side, there are as many cases in which landowners have been deeply aggrieved by the projects which have been proposed, but who, not having any great railway company to subsidise them, have not felt themselves justified in incurring the expense of opposition.

2855. They have preferred submitting to the injustice, rather than incur the expense of the present system?—I have known many cases of that sort.

2856. Mr. *Liddell.*] Do you consider that if a cheap and an easy tribunal, such as you describe, could be constructed, and at the same time the expenses of a Parliamentary tribunal, as it were, hung *in terrorem* over the heads of parties not agreeing before such a tribunal, a pressure would be brought to bear upon them, to settle their differences before the cheaper tribunal without having recourse to the very much more expensive one?—I think so. Perhaps the Committee will allow me to point out another feature which I think requires correction in the present system, and which forms a part of my Bill; that is, what may be called the provisional order system. At the present time, when landowners are invited to subscribe for a railway which they may require, they have to contemplate all the expenses of surveys, all the expenses incident to sustaining those surveys, and to resisting the objections of landowners in respect of them, which amount to a very large sum; the expenses of the detailed surveys, and of the conduct of the inquiry as regards individual grievances before this or any other tribunal, have all to be incurred before the one simple question involved in the preamble is settled, namely, whether it is for the public interest that a railway should be made between A. and B. Now, it is a part of my system that that question should be decided in the first instance, and that is based upon experience which I have mentioned. There is no reason, as it seems to me, why in the case of a railway you should not raise those issues in separate forms. In my opinion, it should first of all be determined that a railway is wanted between the two places, A. and B., and that question should be settled with no more expense to those who are promoting the scheme than is necessary to show the general route, and the general nature of the project, and the interests which would be affected; that might be done for a comparatively

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very small sum. Assuming that question to be settled, then the provisional order which would result from that inquiry would commence a new series of inquiries; namely, upon the detailed survey, what landowners are affected, and in what way; how shall they be compensated, and so forth; instead of having the two questions mixed up together. I have inquired into the French system in that respect, and I have the assurance of many leading men connected with the French system, that such being their system, it has been worked without flaw and with the most perfect satisfaction; that it is perfectly easy to settle those two parts of the question separately, and that it is attended with great economy and with great encouragement to the promotion of *bonâ fide* schemes, and schemes which are wanted. That might be done by Parliament, by laying before Parliament a general scheme that a railway is wanted from A. to B., with a prospectus, not particularly specifying whether it shall go on this side of a hill or the other, or through what particular field, but that it is wanted; and thereupon a general order should be issued for the preparation of the surveys. The surveys should then be prepared, with the power to some tribunal to alter them, and to deviate them, if requisite, in order to meet the views of landowners or to carry out the result of inquiries. One of the greatest evils of the present system is, that after the parties have gone to all this expense, if it appears that some mistake had been made by the engineer, if he has made too much tunnel, or if another route more economical can be devised, the whole scheme is thrown over; there is no power in the Committee to deviate one inch from the lines marked on the plan; and so the country is deprived of a railway, or Parliament is induced to pass a railway which is in many respects defective. I may mention that in many of the lines to which I have referred and with which I am connected, I am quite sure that many thousands of pounds might have been saved both in the litigation and in the construction of those lines if the Committee had had the power at the instance of the promoters themselves, of deviating the lines during the course of the inquiry.

2857. Mr. *Puller*.] Are we to understand that you propose that the landowners objecting to the line should put in their opposition before the preliminary tribunal?—Yes, I should propose that any one should be at liberty to do so.

Lunæ, 27° *die Aprilis*, 1863.

MEMBERS PRESENT:

Mr. C. Forster.	Mr. Massey.
Mr. Milner Gibson.	Colonel Wilson Patten.
Mr. R. Hodgson.	Mr. Paull.
Mr. Liddell.	Mr. Puller.
Mr. Lowe.	Mr. Walpole.

The Right Honourable THOMAS MILNER GIBSON, in the Chair.

Sir *William Atherton*, Her Majesty's Attorney General, a Member of the House, Examined.

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2858. *Chairman.*] IT has been stated by way of complaint that the fees paid to counsel appearing before Parliamentary Committees are more onerous than they need be, and that persons are not able to obtain the services of a junior counsel, a young man, except at a rate of charge which they think too great. We wish to know whether you can give us any information as to the arrangements which the bar may have made in reference to fees, and payments to counsel before Parliamentary Committees?—My own practice before Parliamentary Committees, of course, has ceased for some years past, as I have been a Member of the House, but previously to my entering Parliament I had some Parliamentary practice, though not very considerable. I am not in a position to give very precise or full evidence with respect to the practice regulating the rate of fees at what may be called the Parliamentary bar; but if the Committee will permit me, I think that it would be convenient, if I briefly stated the general rule and practice at the bar proper, by which I mean the bar practising in the courts of common law and in the courts of equity, upon the subject of fees; and I will then endeavour to point out, as far as I may be able, any analogy which may be supposed to exist, or which it may be considered ought to exist, between the ordinary practice as regards advocacy at the bar, and the practice at the Parliamentary bar as to the amount of fees. There are three classes of business at the bar; there is what is called court business or advocacy; there is the business of advising, giving opinions either on written cases and in writing, or by word of mouth; and there is the business of drawing, or the business of a draughtsman. The latter branch applies either to pleadings in actions or suits, that is to say, in litigation, or to legal documents, where no litigation exists, namely, wills, marriage settlements, conveyances, and the like. I will dismiss the second and third classes with a word, because the practice under those heads has no analogy whatever to the practice of advocacy at the Parliamentary bar; and I will merely observe that for advising and for drawing, as it is called, the remuneration at the bar is exceedingly moderate, and perhaps not unfrequently below what it ought to be, advocacy having always, and for obvious reasons, obtained a much higher scale of pecuniary acknowledgment than the very useful labours of those who in chambers prepare these legal documents, either connected with litigation or upon private matters. The only check, if there were a disposition to be extravagant in the payment of fees to chamber counsel, would be the liability of the solicitor making the payment on behalf of his client, after he had rendered his account to his client, if the client should be dissatisfied, to have his bill taxed. An attorney is bound, under the Attornies' and Solicitors' Act, before he commences proceedings against his client to recover the amount of his bill if withheld or disputed, to deliver to him a signed bill, and the law gives to the client receiving the signed bill an opportunity,

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tunity, as a matter of course, to have his bill submitted to the proper taxing officer, the Master, for taxation. Of course, the solicitor is entitled only to what remains after the taxation, and if the Master taxes off beyond a certain proportion, I think one-sixth, the solicitor is saddled with the costs of the proceedings. In addition to the absence of any practice under these two heads, of paying counsel in extravagance or exorbitantly, there is the wholesome check of the possibility of the solicitor having to pay out of his own pocket anything which he may pay in undue excess or extravagance to the counsel, and the result is that, as regards what I may call chamber practice, there never has been any complaint, nor is there any reason or ground for complaint of an extravagant payment of fees to counsel. Now, the more important part of the bar practice with respect to the present inquiry, is that which relates to the practice in court, or the practice of advocacy, the practice at the Parliamentary bar being a bar practice, and having, therefore, at all events, some resemblance to the bar practice of advocacy in the courts of law, or in the courts of equity. And there is this to be observed, particularly with respect to the ordinary practice of advocacy at the bar, and the fees paid in respect of the services so rendered, namely, that the business at the bar, speaking generally, which calls for the assistance of advocates, consists of actions and suits, actions being the proceedings at common law, and suits being the proceedings in courts of equity; those actions and suits are carried on between definite and specific opposing parties, plaintiff and defendant, and, by the law, the winning or successful party in that litigation is entitled to recover from the losing party the costs of the proceedings; and very long since tribunals were devised for determining the amount of such costs, so as to avoid extravagance on the one hand, or too small an allowance on the other. The result is, that taking the case of a plaintiff and a defendant, and supposing the plaintiff to obtain the verdict, and to obtain the judgment of the Court in his favour, a part of that judgment is that he shall recover from the other side his costs of the proceeding, and a part of the practice is that the amount of those costs shall be ascertained upon taxation by the Master, he being attended by the attorney or solicitor for the plaintiff to keep up the bill as high as may be, and by the attorney or solicitor for the defendant on the other side, to beat it down as much as may be; the result is, as between those opposing persons so represented, and with a competent tribunal to decide between them, that what may be called taxed costs are reasonable and fair, and no complaint has ever been made that such was not the case. The practice of taxing costs is so familiar to attornies and solicitors that beforehand, and at the time when briefs are delivered to counsel, that being the time at which, according to the understood practice, the fee ought to be paid, the attorney delivering the brief can form a very reasonably certain opinion as to the fee which will be allowed to his client, in the event of his client being the successful party in the suit, and by his knowledge and judgment upon that point he regulates the fee which he pays to counsel, counsel not having it in his power, as a matter of professional etiquette (with one or two exceptions which I will mention), to insist upon any particular amount of fee being paid. I believe that, in strictness, counsel practising within the limits of their ordinary practice are bound to accept a brief with a guinea fee upon it, and cannot insist upon more. Of course, having regard to the nature of the business and the value of the property and interests at stake, in various questions, I need not say that, in practice, very rarely indeed is so small a fee as a guinea paid, but the attorney having the means of reasonably conjecturing beforehand how much he will be allowed upon taxation, is guided by that consideration in the amount of the fee, because in the far greater majority of cases the suitors are not in a position to be able conveniently to afford to pay out of their pocket, in the event of their succeeding in the suit, anything which they would not obtain from the other side, and in that way practically a test is prescribed without a literal amount being laid down to the attorney or solicitor delivering his brief, by which, if he be an intelligent and fair practitioner, he is guided in the amount of the fee which he delivers, and that practice is rendered efficacious by the strong personal interest which each of the opposing parties, plaintiff and defendant, has in the taxation being properly conducted. I have said that with a very few exceptions, as far as I know, there is no particular amount of fee (and I am now speaking of the

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practice of the bar generally, not of the Parliamentary practice) which counsel is entitled to insist upon, and the following are the exceptions, as I remember them at this moment. In the first place, no counsel is bound to accept a fee which is less than one guinea. In the next place, there is a fixed fee of five guineas for what we call a general retainer. A particular retainer in a cause is the retainer given, after the suit has been commenced by one of the parties, to counsel not already engaged for the other side, to engage him in that suit; that is an ordinary fee of a guinea, and is an ordinary retainer; but sometimes a person wishes to secure to himself, in case he shall desire them, the services of a particular counsel in any suit in which he may happen to be engaged, and with that view he delivers to the counsel what is called a general retainer, the effect of which is to entitle the counsel to be employed by that retaining party, unless on the occurrence of some particular suit the retaining party shall be content that the general retainer shall fall to the ground; and it falls to the ground if the retaining party fails, in any particular litigation which may arise in which he is directly interested, to deliver a brief. That is called a general retainer, and the fee for a general retainer is five guineas. There is another exception, and that is the case of a special retainer; that is a retainer for a counsel to go off the circuit to which he belongs, and to go on another circuit to conduct the suit for a particular client. For instance, if a counsel belongs to the Western Circuit, and a person who has an action to be tried at Liverpool, wishes the services of that counsel, in order to take him to Liverpool, he must give him a special retainer, and it is understood that the special retainer fee is 300 guineas for a leading counsel; that is to say, a gentleman with a silk gown, or possibly for a serjeant-at-law. The special retainer fee for a stuff gownsman or junior counsel I do not think is very clearly ascertained, but as far as I know, it is either 50 guineas or 100 guineas. Those are three instances of fixed fees. I do not recollect at this moment that according to the understood and ancient practice of the bar there is any other instance in which counsel is entitled to decline business unless a particular amount of fee or remuneration be tendered to him.

2859. In case of a suit lasting several days, what is the practice with regard to refresher for attendance?—The practice at the bar is this, that if the case be one of importance, as one may sometimes infer from its length, although not always, at all events, if the pecuniary interests at stake be considerable, it is a practice with solicitors to deliver to counsel refreshers from day to day of varying amount; there is no sum laid down as the sum for a refresher; and I am not aware that counsel can insist upon refreshers. I have known them frequently delivered in important cases involving large stakes. I have known cases not involving so much money, in which the parties were comparatively poor, lasting several days, counsel, of course, being bound to conduct to the end the business which they have begun; and not receiving refreshers, and not, according to the etiquette or practice of the bar, as I understand it, having any title or right whatsoever to insist upon refreshers; so that the practice is varying; but the right to a refresher I hold to be one which does not exist on the part of the bar; it is discretionary.

2860. Mr. *Walpole.*] In the House of Lords, and in the Privy Council, is there not a distinction; are not refreshers given from day to day?—I, perhaps, ought to have excepted the tribunals of the House of Lords and the Privy Council. I was speaking of the ordinary practice at common law and in equity.

2861. Is there not a distinction between cases conducted in the appeal courts, like the House of Lords and the Privy Council, and those which are ordinarily conducted in the courts of common law, or in a court of equity?—I believe that the practice is invariably to give refreshers before those tribunals; but if I were asked the question, supposing that a solicitor, from the poverty of his client, or from other considerations, was not disposed to give a refresher, could counsel refuse to go on with the case, and to continue to hold the brief? I should hesitate very much before I answered that counsel could take that course; but the practice, as far as I know, is to give refreshers.

2862. At the common law bar, or in a Chancery suit, supposing that a case lasts, say three days, is it, or is it not, the ordinary practice to give a refresher in such a case as that?—At common law, of the practice of which, of course,

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my knowledge is more particular, I should say that in a very great proportion of the cases, in point of fact, refreshers would be paid; but I have known many cases, and they have been cases in which the parties to the suit were poor, or the matter at stake was comparatively small, in which a refresher has not been paid. Speaking of the ordinary practice of the bar in the courts o common law, and in the courts of equity, I do not think that anything has been established or admitted in the nature of a right or title on the part of counsel to be paid refreshers; that is my impression.

2863. What is the amount of the refresher usually given in cases of that sort?—I do not think that there is any invariable amount at the bar; I have known various sums, sometimes 10 guineas and sometimes five guineas, and in great cases as much as 20 guineas. But as far as my knowledge goes, I do not think that any precise or particular amount has been ascertained by practice or usage, at the common law bar, particularly for a refresher. I will now, if the Committee will permit me, say a word as to the practice with regard to fees at the Parliamentary bar; although the practice at the Parliamentary bar is court practice, or may be called so, or at all events is the practice of advocacy, there is not a perfect analogy between it and the practice of advocacy in the ordinary courts of law or equity, and the difference, as it seems to me, principally results from this circumstance, that there are no litigant parties, properly so called, before Parliament; you have the promoters and you have certain persons who are allowed to have a *locus standi* for the purpose of watching or resisting, but you have not a plaintiff or a defendant, one party in the event completely succeeding, and the other party in the event being completely beaten, nor (whatever may be thought ought to be the case), supposing the promoters of a Bill to fail, is there any rule that I am aware of, which imposes upon them the obligation of paying the costs to those who may have been successful in their opposition; neither is there any rule which entitles a successful promoter to have visited upon those who have ineffectually opposed, and thereby put the promoters to expense, the costs of the in quiry. In that respect there is this difference; if the costs of opposition and the expenses of promotion depended as between two parties on the result, so that one must inevitably pay to the other, then you would have a system of taxation established as between the parties, and from the amount of the allowance for counsel's fees on such taxation, and as between opposing parties, you would have prescribed to the Parliamentary solicitor as you have in the cases which I have pointed out to the attorney or solicitor, a guide as to the amount of fee which he should deliver to his counsel, but there is no such proceeding, and therefore I am not aware, apart from usage or general practice, of any rule by which a solicitor delivering briefs to counsel in Parliamentary business, would be guided as to the amount of fee which he should mark upon the brief; there is not the means of obtaining the kind of clue or guide which he obtains in ordinary litigation, and which I have pointed out. I must make this further remark, that what we call the Parliamentary bar is, as the Committee are well aware, practically, of comparatively very recent origin, and I do not think that our ordinary rules of etiquette with regard to counsels' fees, at all contemplated such an exceptional kind of practice as that of which the Parliamentary bar is an example.

2864. Colonel *Wilson Patten.*] Do you know at what period the present practice of the Parliamentary bar originated?—It fully developed itself, and may almost be said to have practically originated, when the railway system, as it is called, commenced; the promotion of Railway Bills, I think, was the first cause of the vast increase of Parliamentary business demanding the services of counsel, and led to the dedication of counsel to that business, and to the state of business which now exists.

2865. Can you state the time and circumstances under which the system of double fees to the Parliamentary counsel originated?—I could not state it in detail, my own practice not having been very considerable, and nothing having led me by attention or observation to know how that fact is; but the Committee are aware, as a matter of general knowledge, about what time it was that Parliament was so much resorted to for the purpose of Bills for railway and similar purposes; it was some time previous to the Clauses Consolidation Acts which were found to be convenient, instead of incorporating in the Act of each Company

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the various necessary provisions ; I have not any knowledge of the particular time at which any change in fees, or in the mode of remunerating counsel at the Parliamentary bar, began, but certainly the whole is of comparatively recent origin. I do not think that our ordinary rules contemplated such a course of practice, and perhaps there is sufficient of what is exceptional in it to render it not reasonable to attempt to apply to it those rules. I remember perfectly well that at the time when counsel began to be so much employed in Parliament, it was found that some, at least, of the counsel (so great were the claims upon them in respect of this particular kind of practice), and some of the most eminent and leading counsel who were engaged in such matters, found it absolutely necessary to dedicate themselves exclusively to that practice ; it was found, as the Committee will suppose it would be, to be perfectly incompatible with ordinary bar practice that daily and constant attention for several months during the year, and during the legal year, could be given to Parliamentary practice. It was also noticed, and perfectly well known at the bar, that the scale of fees at the Parliamentary bar was much more liberal, as the Committee know it is, than the ordinary scale of fees in general litigation ; and one reason which used to be assigned for it was the circumstance to which I have referred, namely, that not only must counsel be remunerated in the ordinary way for the labour and skill which they brought to bear upon these matters, but it was also considered to be a disadvantage to counsel to be called upon to dedicate themselves to a particular kind of practice which had the effect of taking them out of the ordinary rule of general practice, and therefore out of the course of possible promotion attendant upon the ordinary practice at the bar ; it was considered that if counsel, particularly leaders such as the late Serjeant Wrangham, or as Mr. Austin, and gentlemen of that kind, dedicated themselves exclusively to Parliamentary practice, they must practically give up any expectation of the promotion which attends upon men of eminence and great ability (such as the gentlemen whom I have named were) who do not depart from the ordinary course of practice ; whether that be a sufficient or a satisfactory ground for the particular rate of fees which have since been paid to Parliamentary counsel is a matter on which I cannot take upon myself to express any opinion ; all that I really can say to the Committee in a general way is to state to them as I have endeavoured to do, what the ordinary and general practice with respect to counsels' fees at the bar, as these regulations existed long before Parliamentary practice was dreamed of, is and has been ; I shall be happy to answer any question if I can give any further information upon the subject.

2866. *Chairman.*] The complaint made by one gentleman before the Committee was that he could not bring a young man from the law courts to attend in a Committee-room, and watch a case which was not of an important character, but which was still one in which it was desirable to have the attendance of a barrister, under thirty guineas ; he thought that there might be some relaxation of the etiquette, and that persons willing to come before a Committee to watch a case in that way should be at liberty to do so without incurring any odium at the same rate of charge as they would receive in the ordinary law courts for their brief?—I think that if a counsel knowing the general practice of the Parliamentary bar, and exercising his discretion, thought fit, under the circumstances, to take a brief with a fee below that ordinarily paid, in whatever light he might be viewed by his brethren at the Parliamentary bar, he would not infringe any rule of etiquette of the bar in general.

2867. There is nothing to prevent his doing that if he thought fit to take the risk upon himself?—I have already stated to the Committee that I am not aware of any instances, except the very few instances which I have already mentioned, in which counsel, according to the etiquette and general understanding of the bar, is entitled to insist upon any particular amount of fee. I have known almost the smallest fees given to counsel of the highest eminence, and of the most various engagements, and accepted from a sense of duty. I believe that it is a part of the honourable feeling of the bar that the poor as well as the rich are entitled to the services and advocacy of those who practise at the bar. I should say that the Parliamentary bar is almost a bar by itself, owing to the peculiar circumstances from which it originated, and under which it has hitherto existed. It is true that every member of the Parliamentary bar (I

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am now alluding to gentlemen who practise exclusively or almost exclusively at that bar, as many do), being a member of some one of the Inns of Court, is, of course, amenable to his particular inn if he commit any act which is at variance with proper professional understanding, or with the good conduct which it becomes a barrister to pursue; but it could never be said, in my opinion, to be a breach of the general propriety of conduct of a barrister, that in a particular case he had consented to take a fee in Parliamentary business less than the fee ordinarily paid, and possibly insisted upon and obtained by some; he would have to settle that matter with his brethren at the Parliamentary bar, who very likely would not look upon him with particular favour, but I see nothing to prevent it if he think fit to do so, and to incur an unavoidable unpopularity with other practitioners there, which I presume he would do.

2868. Would it not be a satisfactory thing if the Parliamentary bar were to come to some resolution so as to open the door to barristers who chose to come at a lower rate than the minimum now paid, and to leave it to be understood that any barrister who chose to come at a reduced rate would not incur any odium?—I am not aware that those who practise before the Committees have ever propounded as a rule for themselves, or for those who practise with them, that a certain amount of fee for a particular kind of business shall be paid; but I suppose that the practice of giving a particular fee, and that rather a high scale, is now so well established, that one can imagine that there might be some dissatisfaction expressed on the part of those who did not think fit to adopt the course suggested against others who might think fit to do so; at the same time, I see no professional objection to that course being taken. As to the expediency of counsel laying down any rule, or expressing any relaxation of any supposed rule, I can hardly express an opinion upon the subject.

2869. I was told by a barrister that he had drawn some clauses in a Private Bill, and that he was requested to come before the Committee to explain them; it took a very short time, and there was very little trouble about it, and he was rather astonished to find that he must take a fee of something like 25 guineas; he had no choice but to take it, and he said that for the same amount of labour if he had been sent for to go into the Court of Chancery, or into an ordinary law court, he probably should not have received above two guineas upon the brief?—I suppose he found that the solicitor who employed him sent him that fee, and told him that it was the regular fee.

2870. He seemed to think that he must take it?—Very likely he was told that that was the ordinary fee paid for such an attendance as he gave. The solicitor would offer him the fee, and probably press it upon him; the solicitor being a party to allowing by his practice and conduct the usual scale of fees, which seems to have been adopted in that part of the profession.

2871. Ought not fees to be paid by ready money?—That is the old undoubted practice of the bar, as I have described it; that is to say, the common law bar applying to the practice of the courts of common law, and also the equity bar applying to the practice of the courts of equity; and, to a very great extent, it is observed at the present day; but I do not think quite so much as it used to be.

2872. It is not the case, I believe, at the Parliamentary bar?—As far as I know, unless the practice has changed, the practice at the Parliamentary bar is very much the opposite; for it used to be, and, as far as I know, still is the practice, not to pay the counsel's fees even during the Session, during which the business was transacted, but to have an account and to pay him in a lump early or some time in the following Session.

2873. Do you think that it would have a tendency to lower these charges if ready money was always insisted on?—I think that it might; but I think that it would be found almost impossible to carry it out, because too large a demand would be made upon the funds of the solicitor, unless his employers from time to time found him the resources. I suppose that is the reason why the payment of fees at the Parliamentary bar has been deferred. The solicitor would otherwise have to be furnished with resources once a day or once a week; he must have a continual supply of money. I do not know why that ought to diminish the fees, and it would not have a necessary tendency to do so. Of course, a man might take five, or ten, or twenty guineas equally, whether he took it to-day, or whether the payment was postponed for six months. I doubt whether

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the practice of postponing the payment of counsel's fees at the Parliamentary bar has had any effect in fixing the general amount of fees on a higher scale than that of the general bar remuneration is; but it may have had some effect; and, presuming it to have had any effect, you would have to add to the abstraction of counsel from the ordinary career of the bar, the postponement of the payment of his fees.

2874. According to the etiquette of the Parliamentary bar, no counsel is allowed to take an attendance fee of less than 10 guineas; do you not think that five guineas might be the minimum instead of 10 guineas, and that a junior counsel might take five guineas?—I hardly feel it to be within my province to express an opinion as to what would be reasonable and fair under the circumstances.

2875. If you fixed a minimum, it would not preclude counsel of high standing and eminence being paid as much as solicitors choose to pay them according to the value of their services?—As I have said, I think that a junior counsel or any other counsel is at liberty to take as low a fee as he thinks fit.

2876. But we want practically to get at it; it seems to be a liberty which a man may exercise, but if he does so, he experiences some unpleasant consequences; we want him to have the power to do the thing without the unpleasant consequences. Can you point out any mode of arriving at that result; we are told that there is a great desire amongst the bar that some fresh arrangement should be made with regard to Parliamentary fees, and that there would be a willingness to acquiesce in any reasonable arrangement for that purpose?—I think that if there is a general desire on the subject, those counsel who entertain it, might communicate amongst themselves, and take steps to have expressed to other members of the bar, or to the Parliamentary leaders and others, their view upon the subject, and I should think that that ought not to be without its effect; but, after all, it is a matter of feeling, and not of strict rule.

2877. Mr. *R. Hodgson.*] The Committee have been informed that any rule of etiquette upon the subject must be established by the profession in general, although probably they would consult the leaders of the Parliamentary bar upon the point?—As far as I know, the profession in general have not hitherto taken notice of the Parliamentary bar; it has been a bar by itself.

2878. Would you consider that the members of the Parliamentary bar itself might, by an understanding, establish a rule of etiquette without the sanction or consultation of the general body?—They could not make it binding upon those who thought fit to disregard it.

2879. I mean an understanding amongst themselves?—You cannot prevent their coming to it, and you cannot prevent those who abide by the understanding, expressing their dissatisfaction in some way or other with others who think proper not to abide by it.

2880. At present it is quite clear that any member of the Parliamentary bar who took less than the ordinary daily fee, would be looked upon in the light of a black sheep; if that understanding were to be altered, would it be by the Parliamentary bar itself, or by the profession in general?—I think that it would be by the Parliamentary bar itself, because our ordinary rules, as I have said before, really never contemplated such a bar as this, and I do not think that they are applicable or adapted to it.

2881. Colonel *Wilson Patten.*] Is there any other branch of the bar which is not subject to the general rules of what you have very intelligibly termed the bar proper?—I do not think that there is any other branch of the practice of advocacy (of which this is a branch), which is not subject to those rules. In the Privy Council and the House of Lords, no doubt the scale of remuneration is comparatively high, and is always allowed upon taxation.

2882. If any breach of the usual practice of the bar was to take place before the House of Lords, or the Privy Council, that I presume would come before the bar proper, for adjudication?—If there were such a breach as we are now contemplating; that is to say, a breach by taking less than the majority thought ought to be taken, I do not think that any tribunal for the discipline of the bar would take upon itself to censure or notice it. We are now considering what we call, for the moment, a breach of etiquette, and the breach of etiquette is supposed to be the fact of a particular counsel consenting to take a fee for a particular business, less than that which is ordinarily taken for the same business,

ness by those who follow that branch of the profession. For instance, if an ordinary counsel in the Court of Queen's Bench, or in the Court of Exchequer or at the Old Bailey, should accept a brief with half-a-guinea upon it, the Inn of Court to which he belonged, or the general court of the circuit to which he might resort, if the fact were brought before them, would take notice of it and would censure him: but if counsel in general were in the habit of obtaining five guineas, and a particular counsel thought fit to do the business for one guinea, I do not think that any tribunal could take upon itself to censure him.

2883. Suppose it was discovered by the authorities of the bar proper, that before the House of Lords or before the Privy Council, there was an understanding that no barrister should receive less than a certain fee, that being a larger fee than was usually taken by the common bar, and that a counsel had received a lower fee?—I do not think that that would be visited.

2884. It would be left to the barristers practising before those tribunals?—Yes, it is really a matter amongst themselves.

2885. Mr. *Paull.*] Is not the difficulty in the way of an understanding among the Parliamentary bar to permit a lower fee than that now taken this, that there are certain gentlemen who can find such an amount of practice, that if they were asked by a junior or by a number of juniors to consent that it should be the etiquette of the Parliamentary bar that lower fees than 10 guineas as refresher and five guineas for consultation should be taken, they would immediately answer, "I can command so much business that I shall adhere to those fees; you can do as you like." Do you not think that that would be the simple result of any such attempt?—Upon that point I can form no opinion except such as any Member of the Committee can do. As I have said before, having been in Parliament now for some years, of course I have had no practical observation of the Parliamentary bar for a long time, and I really have no means of forming an opinion as to what may be the views of the leading members of that branch of the profesion.

2886. Colonel *Wilson Patten.*] Will you state what is the lowest fee which you have ever heard of being given at the Privy Council or in the House of Lords?—I have never known, by personal observation, any but very considerable fees being given before the House of Lords; before the Privy Council I have known very small fees; very often appeals from the Isle of Man and appeals from Jersey, and very small matters, come before the Privy Council in which I have known very small fees given.

2887. Mr. *Puller.*] Does that answer apply to the refresher?—No, I am speaking of the brief fee.

2888. Colonel *Wilson Patten.*] Have you ever heard of so small a fee as two guineas being given before the Privy Council?—No, I do not think that I have ever heard of a fee of less than five guineas being given; at the same time I would add that I am not aware of any professional rule or etiquette which would be violated by a counsel taking two guineas, or even one guinea, to appear before the Privy Council.

2889. Mr. *Paull.*] Do you not think that the reason for these high fees being paid, is that men are withdrawn from their ordinary business, and that in point of fact it is prejudicial to them, if in large practice, to be taken away from that general business?—I stated some time ago that I remembered that circumstance being assigned, as a reason, at the time when the Parliamentary bar was sufficiently numerous and sufficiently employed to attract the attention of the profession generally; I recollect that that was assigned very generally as one reason at all events why the scale of remuneration should be higher than the ordinary scale.

2890. At the Westminster sittings or at the Guildhall sittings, would it not be prejudicial to a leading man, to lay down his business and come into a Committee?—That would depend upon the frequency of it; if you take the case of a leading counsel dedicating himself to Parliamentary business, of course he must give up every other business; but it does occasionally happen that a leading counsel in ordinary practice will attend a particular Committee, which may take him from his ordinary pursuit for two or three days, or something of that sort. I think that beyond the temporary loss of the business which he must relinquish in Guildhall or in Westminster, or wherever it may be, he sustains no prejudice. It is perfectly well known that persons whose

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interests are to be represented before Committees, do from time to time take their counsel not exclusively from those who are, properly speaking, Parliamentary counsel, but from the bar generally, and then a particular barrister will consider his position, will consider the probable duration of the case before the Committee, and other circumstances, and the ordinary scale of remuneration, and will be able to make up his mind whether it may not be fitting for him, everything considered, to give up for a time his ordinary practice, and to take the Parliamentary practice; that is of course a very different thing from an exclusive dedication to Parliamentary practice, and to that I was rather alluding when I spoke of its being considered that it was a great disadvantage, and entitled the person to some consideration.

2891. The Parliamentary branch would be the only branch of advocacy in which a counsel would think himself justified in declining to take a brief?—He certainly would consider himself justified in declining to take a brief; and I think that, generally, counsel would consider themselves justified in declining to take a brief in matters before any tribunal before which they did not generally practise.

2892. Colonel *Wilson Patten.*] Is there any other branch of the profession in which a silk-gownsman and a stuff-gownsman receive the same fee?—Not ordinarily upon the brief; a Queen's counsel, where he takes a stuff-gownsman as his junior, ordinarily receives upon the brief a higher fee; that is the practice; but there is no rule upon the subject; indeed, so far from there being a rule upon the subject, in particular matters of practice I have known it constantly occur that the fee of the junior has been larger than that of the senior. I will give one instance, namely, a case in which it is necessary to argue a question of law, in the argument of which only one counsel on each side is heard. It frequently happens that the junior will be selected to conduct the argument; but that it is thought proper that with him, perhaps, the leading counsel should have a brief. I have known it constantly happen (and there is no ground of complaint in it) that the fee marked upon the brief of the junior is larger than the fee marked upon the brief of the leading counsel; and the reason of that is obvious, and inasmuch as the old etiquette of the profession does not entitle counsel, with one or two exceptions which I have mentioned, to any particular amount of fee, no rule is violated by such an arrangement. The case which I put is not a case, properly speaking, of advocacy; in the case of advocacy, the practice, I think, is invariable that the leading counsel has the larger fee.

2893. Taking a case in which a refresher is given in the courts of Westminster Hall, the general practice, I presume, is not that the refresher to a silk-gownsman is the same as to a stuff-gownsman?—It is generally higher. I am taking a case at Nisi Prius, where the trial lasts two or three days.

2894. It is the rule that the refreshers in Committees of the House of Commons should be equal to a stuff gownsman and to a silk gownsman?—My knowledge of the practice does not enable me to say how that is.

2895. The daily fee before Committees of the House of Commons is the same, whether the counsel be a silk or a stuff gownsman; that is an exceptional case in the practice of the bar?—That does not accord with the ordinary practice of the courts. At the same time, if such a practice were to be adopted in an action at *nisi prius* by any particular attorney, nobody would have any ground of complaint against him, nor would the leading counsel have a ground of complaint that his refresher was no more than the refresher to his junior. Those are all matters of discretion.

2896. But that is contrary to the usual practice?—The usual practice, no doubt, is to graduate the refresher, as you graduate the brief fee. The brief fee is always largest to the leading counsel; a less fee is given to the second counsel, and it continues to be less downwards.

2897. Mr. *Puller.*] Would a large fee to a junior counsel be allowed on taxation, supposing that equal refreshers were given to a silk gownsman and to a stuff gownsman, employed on the same side, in the same cause?—I should think not. I should think that the Master would be guided by general considerations. Those general considerations would suggest to him to allow a larger principal fee to the leader than to the junior. Of course you cannot determine precisely as to what a taxing master might do, but I should think that he would act upon the same rule when he considered the refreshers.

2898. Probably,

2898. Probably, therefore, he would reduce the fee given to the junior counsel?—I think so.

2899. Mr. *Massey.*] In ordinary practice, I believe that, at consultation, the junior does not get the same amount of fee as the senior?—He does not.

2900. You have said that the profession in general do not recognise the Parliamentary bar, but that it is a separate bar. Supposing that a gentleman engaged in Westminster Hall were to consent to take a brief in Parliament, with a fee of one guinea as the fee upon his papers, without the ordinary refresher, do you not think that he would render himself liable to the censure of his circuit?—I doubt it very much. I cannot see how he would. Speaking as a member of the northern circuit, which I was for many years, and putting it to myself that such a case had been brought before the circuit in my time, I should have said, "This gentleman has taken a fee which is, according to the ordinary and the ancient etiquette of the profession, sufficient; we can find no direct rule with regard to this particular branch of practice." There is nothing immoral in it; there is nothing really degrading in it. I think that the Parliamentary branch of the profession is so far disregarded by the profession generally that I do not think that the circuit would inquire one way or the other into such a matter, or express any opinion upon it.

2901. Mr. *Puller.*] You have told us that a man does not go from one circuit to another without a special retainer of 50 guineas for a junior, or 300 guineas for a silk gownsman?—300 guineas certainly for a silk gownsman.

2902. Upon what does that rest; does it rest upon anything more than an understanding amongst the members of the bar; is there any formal rule laid down by the Benchers?—No, that has nothing to do with the Benchers; it is a rule which is adopted, as we know, by communication and inquiry upon every circuit in England; it has been adopted for a very considerable period, and is unquestioned and unchallenged. I have no doubt that the reason of it was to render infrequent the migration of a particular counsel from his own circuit. Take the case, for instance, of the Norfolk circuit; it is to the interest of the leaders upon that circuit, and of the bar generally, that whatever business there may be there, should be conducted by themselves without the intrusion or advent of a stranger. In order to prevent strangers coming in upon them from time to time, and, in point of fact, mingling and confounding the different circuits, the rule has been adopted that a stranger, that is to say, one from another circuit, shall not come upon a particular circuit which is not his own, unless his services are thought sufficiently important to induce his client to give him this considerable fee.

2903. It is the interest of each circuit that that rule should be adopted?—It is the same of course.

2904. And accordingly, as a matter of tacit arrangement amongst them all, they have adopted the same rule?—Yes; and if that rule should be violated, if it should be ascertained, for instance, that a member of the northern circuit had gone to Exeter with 50 guineas only upon his brief, and with no special retainer, if it came before the Circuit Court, he would be censured, and probably, if he repeated it, he would be expelled the mess, which is all we can do.

2905. Suppose that a member of the Chancery bar not accustomed to go the circuit at all came down?—In my practice I have never known a gentleman of the rank of Queen's Counsel in Chancery come down on the circuit; frequently Chancery juniors come down in cases involving matters of Chancery law and conveyancing, and the like, and I have no doubt they come upon the ordinary terms; I have never heard that they did not.

2906. Do you mean without a special retainer?—Upon the ordinary terms of the special retainer to a junior, which is not a very considerable amount.

2907. If a leading counsel who usually practises at the common law bar goes into the Court of Chancery, does he receive a special retainer?—Not as a matter of right at all.

2908. It would not be considered a breach of professional etiquette for him to do so?—No, without a special retainer, as the Court of Chancery sits in London; these rules do not apply except from circuit to circuit.

2909. Would it not be in some degree hard and unjust upon the Parliamentary bar if, having given themselves up almost exclusively to that business, with the understanding that they were to receive this higher scale of fees, they were to be continually intruded upon by men who were practising in the courts of

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law, and who were willing to take Parliamentary business upon a much lower scale?—I cannot say that I see any particular hardship in it; it would be subjecting them to that sort of competition which the bar in general are subject to; of course it would not be so pleasant to them, that I can well understand, but I hardly see any injustice in it; you may call it a hardship that a man gets two guineas where he used to get five, but upon general public grounds I cannot take upon myself to say that it would be wrong.

2910. Mr. *Liddell.*] I understand you to say, that if the power of giving costs to the successful party existed in the Parliamentary tribunal, solicitors would be enabled, with more or less certainty, to fix the fees payable to counsel?—Yes.

2911. And that the absence of that power renders the rate of remuneration uncertain, as it is at present?—Yes.

2912. Am I to understand you to express an opinion, that it would be desirable to give Parliamentary Committees the power of awarding costs?—That, I think, would depend upon general grounds, rather beyond the matter as to which I am now asked. I can hardly take upon myself to express an opinion upon that point; there are a great many matters to be taken into consideration.

2913. But it occurs to you, that great difficulties must attend the absence of that power, namely, the difficulties of regulating the fees?—I think very great, indeed; and probably those difficulties may partly have led to the adoption of these arbitrary, and, it may be, considerable fees; they are fixed and arbitrary. A solicitor, never having reference to any taxing tribunal to enable him to form an opinion as to what was right and fitting to be paid, by day or by brief, would be very much at sea. I may mention one way by which something like a guide might be obtained; but it is not very convenient, and I think is seldom resorted to. As I mentioned some time ago, every client to whom a solicitor delivers a bill is entitled to have that bill, if he thinks fit, submitted for taxation. Take the case of a railway company who have employed a particular solicitor to oppose or to promote a Bill before a Committee of the House of Commons or of the House of Lords; at the end they may call upon him to deliver his bill, and if upon looking at that bill they think that there are extravagant charges in it, if they think, for instance, that he has paid very much more to counsel than he ought in reason to have paid, I know of nothing to prevent that particular client, the railway company, from going before the Master and contesting between themselves and their own solicitor the amount of his bill. I have not, however, known an instance in which a railway company have so submitted their solicitor's bill to taxation before a Master under the statute. Of course it would lead to a termination of all farther relation of attorney and client, between the solicitor and the company; it would be looked upon as a hostile act; at the same time it might happen, and then the Master might be called upon to say whether, having regard to the practice as it has grown up, and other considerations, the attorney had really charged what was fair and reasonable as between himself and his client; for you do not, in that case, get the rigorous taxation which obtains as between party and party in the case of an ordinary suit; it would be a taxation as between attorney and client, which is more liberal than it is as between party and party, and I am not at all sure that the Master would not, unless something should occur to disturb the present arrangement, look upon it as sufficiently long established to have made it discreet in the solicitor to have paid the particular fee. If he took that view, then he must allow it; therefore it would not be a very satisfactory means of raising the question, and it is one which is seldom or never resorted to.

2914. The taxing master is a person who stands, as it were, between two contending parties, the object of one party being to make the amount of the bill as low as possible, and the object of the other being to make it as high as possible?—Yes.

2915. Is the taxing master appointed as an arbitrator by mutual consent between the parties?—No, he is a permanent officer; each of the courts of common law and the courts of equity has a permanent officer who is called a Master; there are three or four of them in the Court of Queen's Bench, and the other courts have a considerable number; and then there are taxing masters in Chancery. The taxation of costs is a part of their ordinary function; they are permanent officers, daily engaged in that business, and they are fully conversant with all the ordinary details of it.

2916. And

2916. And that, I presume, gives them very great power and authority over the persons who prepare bills of costs?—Very great; and I have never heard any complaint of the taxing masters; I have no doubt that they generally do what is right and satisfactory; they certainly do not allow extravagant charges.

2917. I understand that the rules regulating the practice of the bar are laid down in the different circuits, and are more or less binding, not absolutely binding, but accompanied with disagreeable consequences to the members of those circuits if they transgress them?—They are perfectly well known; they are matters of tradition. I do not think that they are written.

2918. It not unfrequently happens that some of the leading persons at the Parliamentary bar do not go on circuit at all?—The principal leaders of the Parliamentary bar do not go on circuit at all.

2919. Consequently, they are not amenable to those regulations which more or less regulate the conduct of other members of the bar?—No.

2920. And it is very difficult, in fact, to bring any pressure whatever to bear upon them?—So long as they avoid those flagrant acts or omissions which would subject them to the censure of the tribunal of discipline to which they are amenable (and of course they do so as long as they avoid dishonourable and unfair conduct), there is no tribunal to which they are practically subjected.

2921. There is nothing to prevent them from taking inordinate fees?—I do not think that any tribunal which we have could be brought to bear upon them for refusing, for instance, a brief, because it had not a certain amount of fee upon it. If a barrister in ordinary practice were offered a brief with five guineas, or two guineas, or even one guinea upon it, and declined to take it unless the fee were greater, and that circumstance were brought before his circuit, he would be censured.

2922. Supposing that a leading Parliamentary barrister did not receive a refresher, the case having gone on for a certain number of days, and refused to proceed with the case, what would be the result of such a refusal?—The only complaint which could be made against him, if at all, would be to the Inn of which he was a member. I have not known such a case brought before any of the Inns of Court, or the Inn of Court to which I belong, and I doubt very much whether they would entertain it, and if they would not entertain it, it could not be entertained at all, because it is supposed in the case which you put, that the counsel is not a member of any circuit. The circuit, and the Inn of Court, are the only two tribunals to which an appeal can be made on the ground of the misconduct of counsel.

2923. *Chairman.*] Our taxing officer in the House of Commons can tax a solicitor's bill, if the parties require it to be done; but what should you say to a system of compulsory taxation, so that in all cases the charges should undergo some revision, whether it was wished or not, in order to prevent the growth of high charges?—That would be to make it incumbent, as I understand you, upon the solicitor not only to deliver, as he must at present, his bill, to his Parliamentary client, but to submit it previously to taxation, whether the client wished it or not.

2924. Just so?—That is a question rather of policy, and I think that to answer it would require some greater knowledge than I have of the Parliamentary practice. It seems difficult to do so; I do not see how you could compel a person to have the bill taxed if the client upon seeing the bill thought fit to put his hand in his pocket and pay the amount.

2925. Parliament, I suppose, could lay down what rules it pleased in such matters?—I would ask who suffers by these extravagant payments? Persons come to Parliament for certain advantages, and they find that they must employ counsel, and that at present counsel obtain a certain amount of fees which they may think very high and extravagant, but they think proper to pay them, their solicitor thinks proper to pay them, and they sanction their solicitor's paying them because he pays them with their knowledge; they therefore never complain against their solicitor; and supposing these payments to be extravagant, all that money is supplied out of the resources of those who make the application.

2926. However, even if there were a compulsory taxation, it would not meet the case which we have now in view, because the taxing master would allow those fees for attendance, and so on, which were the usual fees?—I think that he would in the case supposed, which would be the case of a taxation as

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between attorney and client. We come back to the difficulty which I have previously mentioned, namely, that before Committees there are no litigant parties. If you had a taxation as between party and party, as you have in an ordinary suit, you would come at once to a rigorous rule, but when it is merely between attorney and client the question is, has the attorney been discreet, or has he thrown the money away?

2927. Mr. *Puller.*] I think you have told us that the usual refresher in the Privy Council, and in appeals in the House of Lords, is 10 guineas a day?—I think it is.

2928. But that, taking the Privy Council, it would not be a breach of etiquette for a junior counsel to go for a less refresher?—Certainly not, in my opinion.

2929. Mr. *Paull.*] The reason why in Parliamentary Committees junior and senior counsel receive the same fees, is that, in fact, the juniors are in many cases as competent as the seniors?—I have no knowledge of the considerations upon which that sort of fee proceeded.

2930. The obtaining of a silk gown, which constitutes a leader, may, perhaps, depend upon political considerations, and, consequently, men who have skill and practice, but who are only stuff-gownsmen, are placed in the same position at the Parliamentary bar as the Queen's counsel?—Still the client has the selection. If you suppose the case of a person obtaining a silk gown without real professional claims, and being a very inferior man to another who has no silk gown at all, it is quite open to the client to discard the Queen's counsel, and not to employ him at all; but you cannot take that into consideration; you must take the general rule.

2931. Many of our greatest men have never had a silk gown?—There is no doubt about that. As I have said before, advocacy is the highest paid. There have been very able lawyers who were not advocates, but who could not stand before men much their inferiors in legal attainments; and unless a person is an advocate, or believes himself to be so, it is very seldom that he applies for a silk gown.

2932. With reference to what are sometimes called regulations, which we know are the etiquette of the bar, is it not established in the interest of the public, and jealously looked upon by the bar as in the interest of the bar itself; that is to say, keeping up a strict etiquette as regards what are termed regulations?—The bar, in general, attach the highest importance to it.

2933. In the interest of the public, as well as of the bar themselves?—We regard the two interests as identical; the interest of the public is to have an efficient bar of men who conduct themselves honourably.

2934. And to check too close an alliance between the two branches of the profession?—Certainly.

2935. It is a great object that the bar should stand between the other branch of the profession and the public?—Certainly.

Thomas Erskine May, Esq., C.B., called in; and Examined.

T. E. May, Esq., C.B.

2936. *Chairman.*] You were one of the Examiners of Petitions for Private Bills on the first appointment of those officers, were you not?—Yes, I was one of the two Examiners of Petitions for Private Bills originally appointed in 1846, and also the first taxing officer of the House of Commons appointed in the following year.

2937. There have been considerable changes and improvements in the conduct of the private business before Parliament during the last 20 years, have there not?—Yes, very great and constant improvements; all of them tending to diminish expense and improve the constitution of Committees in the trial of cases submitted to them.

2938. Will you point out to the Committee what defects you think now exist, and which are susceptible of being remedied?—I think that the principal defects are the great costliness of the proceedings, the double inquiry before the two Houses, the necessity of passing all Bills, however unimportant their character, through both Houses of Parliament, and insisting upon numerous requirements which are expensive, and which do not, in fact, afford any essential security to the public. I may add that another evil is that of considerable discrepancy in the principles applied both in procedure and in the decisions

decisions of the Committees themselves. Those are the main evils still requiring a remedy.

2939. With regard to the costliness, in what way do you illustrate your statement?—The costliness arises from various causes; in the first place from the costs actually allowed by our scale for professional services; that is one ground of cost; another great ground of cost is the extraordinary length of the inquiries conducted before the Committees, and conducted twice over in a great many cases; probably one-half of the contested cases are tried first in one House, and, secondly, in the other; and there are the intermediate proceedings both in opposed and in unopposed Bills; there are a number of officers before whom the parties have to appear, namely, the Examiner, the Chairmen of Committees in both Houses, the Counsel to the Speaker in one House, and the Counsel to the Chairman of Committees in the other. All these proceedings add to the cost, and make the passing of a Private Act of Parliament a very expensive proceeding.

2940. The first cause of the costliness which you have mentioned is the rate of charges which are allowed to solicitors and counsel and others in the House of Commons?—Yes; I may say that in 1847 a very considerable reduction was effected in the costs of Parliamentary agents and solicitors, a reduction amounting to one-third, at least; it was so computed at the time, and I believe correctly. I had myself the arrangement of that scale, and am able to say that at least one-third of the previous expenses of proceedings before Committees and in Parliament was reduced.

2941. That is to say, the rate of charges for particular things?—Yes, for nearly everything which can appear in a Parliamentary agent's or a solicitor's bill.

2942. You did not deal with counsel's fees?—No, we did not deal with counsel's fees, as they were not comprised in the House of Commons Costs Taxation Act of 1847. We were bound by the usage and allowance, as it is called, of the profession. If fees were properly charged, I allowed them; if in any case from error or misconception they had been improperly charged according to the usage of the profession, the taxing master could disallow those fees, but as long as the existing usage was conformed to, the taxing master had no authority.

2943. What is the power of the taxing master now with regard to counsel's fees?—Precisely what it used to be; no change has been made.

2944. He is bound, as it were, to allow the fees which usage has established?—Yes, that usage, I believe, having commenced in cases of appeal before the House of Lords, and having since been adopted by both Houses of Parliament in all proceedings, and having been allowed by taxing masters, both in courts of law and here.

2945. Do you think that important reductions might be made in those charges of solicitors and Parliamentary agents, and others which were operated on before in the way you describe?—With regard to the Parliamentary agents, I think that their fees were very fairly adjusted in 1848, and I do not think that they would fairly admit of any reduction. I think that the same answer may be given generally with regard to solicitors, with the single exception of the charge for the copies of evidence, which I have always considered a very extravagant and unnecessary charge.

2946. Supposing you cut off that charge, would not a solicitor add it on to his other charges, so that his whole payment would not be affected by the change in the charge for copying minutes of evidence?—No, I think not; I think that all the charges allowed in the authorised scale of fees are amply sufficient for rewarding the best professional services, and I do not think that a solicitor would fairly claim any compensation, if a different arrangement were made, for the copies of evidence.

2947. It would be cutting down a considerable portion of his bill if you removed that charge for copies of minutes of evidence?—Yes, it would reduce his profits; but I think that the scale is liberal and ample with regard to all professional services contained in it, without that charge.

2948. Mr. *R. Hodgson.*] Is it equal to the Parliamentary agent's fees?—It is more than the Parliamentary agent's fees, and the business is altogether more profitable.

2949. We have been told of a kind of practice which exists of dividing the

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spoil between the Parliamentary agents and the solicitors?—I am unable to give any information as to private arrangements.

2950. Your opinion is that both as regards the Parliamentary agents and as regards the solicitors, the scale fixed under the Act of Parliament is amply sufficient for their remuneration without the fee upon the copies of the minutes of evidence?—Certainly; and the Parliamentary agent at present, according to the general custom, receives no profit whatever from the copies of evidence.

2951. Do you think that it would be an improvement if the parties litigant before Parliamentary Committees received printed copies of the evidence at the cost price to the House of Commons?—Yes. There are two courses which have occurred to me as a remedy for that very great and, I believe, acknowledged evil; the one is that there should be no copies whatever; that the short-hand writer should take down the minutes of evidence for the use of the Committee, and as a record to be retained and referred to both by counsel and by the Committee, if necessary; but that, as is the custom in other Courts, the junior counsel should take notes and satisfy his leaders that all the essential points had been taken down by him for cross-examination. That would be the cheapest course, no doubt, and the course most consistent with the practice of other Courts. But, if it were thought advisable to indulge in a costly luxury as regards the proceedings of this House, then I think that the best course would be to print day by day the minutes of evidence from the short-hand writers' notes, and to put an end altogether to the written copies.

2952. Do you think that the great length to which these investigations go is a reason why copies of the evidence are more necessary here than in courts of law?—No, I confess that I do not, because I apprehend that the evidence is so voluminous, and extends over so many days, that it is in very rare instances that any counsel can possibly have time to refer to it. Once in 10 times, probably, a particular evidence, the evidence of an eminent engineer, for example, would be referred to by most of the parties; but I think that the great mass of the evidence is thrown aside into the rubbish basket, and is hardly referred to at all, and is a pure waste of human labour.

2953. You think that if it were printed, that objection would not be so applicable?—I think that the evidence would then be referred to more; but I have a reason for wishing it to be printed, which I will refer to hereafter, with reference to a further proceeding.

2954. *Chairman.*] You are of opinion, I think, from evidence which you have previously given, that the correction of the existing defects is really to be found in the constitution of some new tribunal?—Yes, it has long been my opinion, that the complete remedy for the whole of the evils is to be found in the constitution of a distinct tribunal; but, failing that, there are numerous improvements which might still be made in the procedure at present practised.

2955. Assuming that the experiment is not tried of removing these subjects from the jurisdiction of Parliament, and submitting them to a new tribunal, you think that improvements might be made in the Parliamentary procedure?—I do.

2956. Will you, in your own way, state what improvements in the Parliamentary procedure you would suggest?—I should first state that I apprehend that many of the evils arising from the present system are incurable; they arise from the constitution of the tribunal and the peculiarities with which they have to deal, and therefore I apprehend that without the constitution of a separate tribunal, which I think should be a Parliamentary court reporting to Parliament, the evils can only be partially corrected, but still many of them may be diminished, if not wholly overcome. The first great evil I apprehend to be the double investigation which, as has, I believe, been stated by the Chairman of the Committee of Ways and Means to this Committee, takes place in about half the opposed cases; that is to say, that nearly one-half of the cases which are opposed in one House, are further opposed, and mainly upon the same grounds, in the other. It also appears that in all but four cases during the last Session the House of Lords affirmed the decision of the House of Commons; they only differed from them in four cases. It is true that amendments are made in many of these instances: but at the same time I think it cannot be doubted that if the Lords after this double inquiry agreed with the

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the Commons in all but four cases out of about 50, this second inquiry must be regarded as superfluous and unnecessary; and that is the main ground of the immense costliness of the proceedings.

2957. The four cases in which the Lords overruled the decisions of the Commons were important cases, were they not?—No doubt; I will assume that they were all important.

2958. If that review of the decision of the Commons by the Lords had not taken place, an error would have been committed in those four cases?—No, I am not at all prepared to admit that; I merely state that the Lords happened to differ from the Commons; I am not at all prepared to say that the Lords were right; probably not.

2959. Supposing that you had only one inquiry before a Select Committee, how would you constitute such Select Committee?—There are various courses which would be open to consideration; the first is, the constitution of a joint committee of the two Houses. The great obstacle to such an experiment is, the supposed reluctance of the House of Lords to agree to any such arrangement; but, with regard to that matter, it should be well understood that no experiment of the sort has been attempted for upwards of 150 years, not since the year 1695; and one great ground of jealousy has since been removed. At that time, the main object of securing the concurrence of the House of Lords in the constitution of a joint Committee was to enable the Commons to take evidence upon oath. The Commons now, as well as the Lords, are able to administer an oath in all cases relating to Private Bills; therefore, there would be no advantage gained by the Commons in a joint Committee: the Commons have all the powers which the Lords themselves possess. I therefore think that one ground of jealousy would be removed. Another ground of objection on the part of the Lords was, that the Commons claimed to have double the number of Members on every Committee; if the Lords nominated five, the Commons considered themselves entitled to nominate ten; and it was quite clear that, in a Committee so constituted, the Lords were immediately outvoted, and had no authority whatever. I apprehend that if this experiment were to be tried now, no such claim would be set up by the Commons, but that a greater equality would be at once admitted between the two Houses; and my own idea is, that assuming the Lords to acquiesce in any such experiment, there should be a joint Committee, consisting of five Members, namely, two Peers and three Members of the House of Commons, and that one of the two Peers should occupy the chair, and have a casting vote. If we adopted the same rules which now obtain in Committees, he would have a right of voting upon every case, and he would also have a casting vote in case of equality. That, I think, would put the two Houses so much upon an equality that no jealousy need be apprehended, on that score, from the House of Lords. At all events, it would go far to obviate any such jealousy. That is one scheme.

2960. It has been stated that the inquiry before a Committee of the House of Lords is in the nature of an appeal, and that it tends to the public security to have such second inquiry; do you view it at all in the light of an appeal; is it an appeal from the decision of the Commons?—No, assuredly not. I understand an appeal to be from an inferior to a superior court, but the two Houses of Parliament are absolutely equal in all matters of legislation, and therefore it cannot justly be called an appeal. It is a second trial. It is a new trial of the whole case, without any special grounds assigned; but the whole case is opened and proceeded with, as if no preceding inquiry had taken place.

2961. I suppose that, upon your scheme of one inquiry before a Select Committee, you would, in the case of a special ground being assigned, have a re-hearing?—Yes, just as we have now; we can re-commit a Bill under peculiar circumstances, and such proceedings do occasionally arise. That power would still remain.

2962. For instance, supposing a Bill to have passed the Committee of the Commons, and new matter to come out before it is disposed of by the Lords, as matters stand at present, the Committee of the House of Lords would entertain such new matter, and its decision might perhaps be different from that of the Commons in consequence of it?—Yes.

2963. Supposing your plan to be in operation, this new matter being assigned, you recommend a re-hearing before the joint Committee?—Yes, under limitations, which I think, under this new practice, might be arranged; some specific

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grounds to be approved by a Committee like the Standing Orders Committee, or some such arrangement as that, but of course not encouraging appeals. That is one course. Then another still simpler course was suggested by the honourable Chairman of the Committee of Ways and Means; namely, that where there had been an inquiry before one House that inquiry should not be renewed before the other. Supposing the two Houses were to concur in such an arrangement, no doubt it would be the simplest of all possible expedients. But I apprehend that objections would be raised by either House to absolutely forfeiting its independent right of inquiry, assuming that a sufficient case were shown; and therefore I would suggest a modification of that proposal in this form: that there should be no second inquiry without specific grounds being assigned, and those grounds being adjudged sufficient by a Committee of the same complexion as the Standing Orders Committee. I think that there should be some distinct ground either of matters having been omitted or of evidence having been improperly excluded, or of case of a *locus standi* having been improperly decided, so that persons who had important interests had been shut out. I am of opinion that some such grounds as those should be assigned, but that it should not be required of a Committee to enter into the whole case again. And that leads me to another subject to which I have already adverted, with regard to printing the evidence. I think that if that plan should be adopted, the evidence should be communicated from one House to the other, and that upon all but the points which were specifically objected to, that evidence should be taken as put in before the Committee, and that they should not hear the case all over again; but that they should limit the parties to certain particular grounds of objection.

2964. Would they not say in the House of Lords that they were deprived of the opportunity of judging from not hearing and seeing the witnesses; they would perhaps consider written evidence not so satisfactory as *vivâ voce* evidence?—Of course they would be at liberty in any case to hear evidence which they thought it proper to hear; but, at the same time, upon what we may call formal proofs, or the points which were not specially objected to, that evidence would be taken as sufficient proof of the matters in question.

2965. But of the two plans you would prefer a single joint Committee and one inquiry?—If we did not meet with the jealousy which I am afraid does exist even now to a certain extent among the Peers, and if that jealousy did not prevent the experiment being tried, I think that on the whole it would be the most complete and satisfactory.

2966. But a Private Bill would go through all its stages in both Houses as before, the only change would be that the inquiry before the Select Committee would be before a joint Committee, and would not be repeated as a matter of course. Supposing, for instance, that a Bill came up to the Lords, having passed through this Select Committee, would a Peer be precluded from having it referred to a Select Committee there after all?—I should interpose every reasonable obstacle by Standing Orders of the two Houses to re-opening the case; but at the same time it would be open to reconsideration, just as every case is now, notwithstanding the double inquiry.

2967. You would not propose to lay down rules in an Act of Parliament, the same as we have with regard to the trial of Election Petitions?—No; I think that you may fairly trust both Houses themselves; you can see how unwilling they have been to re-open cases which have been inquired into by Committees; it is a very rare thing indeed to re-open a case which has been tried before a Committee, and still more unusual to reverse the decision of a Committee.

2968. That is one mode of materially lessening expense; what other modes would you suggest?—Then I think, also, that assuming the private business to be retained in Parliament as at present, auxiliaries may be found for relieving the pressure. At the same time the Committee are well aware that the main pressure is that of the contentious jurisdiction, and that the unopposed Bills are very little heard of by the House; they are efficiently superintended by Mr. Massey in one House and by the Chairman of Committees in the other, and the House have comparatively little trouble arising out of them. But at the same time there is considerable expense to the parties, and if the agency of the Board of Trade, as suggested by Mr. Booth, and of other departments, were called in in aid of the Parliamentary jurisdiction, as it has already been to a great

great extent, no doubt the general expense incurred by promoters would be reduced.

2969. You would suggest, if I understand you rightly, that unopposed Bills should not come before Parliament at all?—A considerable number of Bills which, I think, might be classified and indicated, might in my opinion be arranged outside altogether; take this case for example: in 1848 power was given to the Board of Trade to grant extension of time for the purchase of land and for the completion of works in the case of railways which had been previously sanctioned by Parliament The Board executed the whole of that business without coming to Parliament at all, and saved by that means a great number of costly applications to Parliament; two years afterwards they received power to authorise the abandonment of Railways and the dissolution of Railway Companies in regard to undertakings previously sanctioned by Parliament; I think that those are two descriptions of powers which might fairly be granted to them, in the same way, as regards all future Railway Companies. I also consider that deviations of lines authorised by Parliament, and small extensions, and enlargements of railway stations, and various matters of that sort, might be adjudicated upon as conveniently and as satisfactorily to the public by the Board of Trade as by means of a costly Act of Parliament.

2970. Do not you think that the conditions upon which parties should be at liberty to do the things to which you have alluded might be laid down in a general Act?—Certainly.

2971. And the duty of the Board of Trade or the Department would be reduced to giving a certificate that the parties had complied with the conditions of the general Act?—Yes, certainly, that is what I apprehend was intended by Mr. Booth's plan, that all the notices required by the statute should be given and proved, and that the necessary consents should also be obtained and proof given of them before the Board of Trade.

2972. The saving after all would not be considerable to the promoters of Bills; the expense of unopposed Bills is not now of great importance to them, is it?—The great expense unquestionably, as I have already mentioned, is in the opposed cases; and that is the main difficulty with which the Committee have to deal. But as, according to the present mode of proceeding, even unopposed Bills involve considerable expense and trouble, every aid which can be given to the present mass of business is so far an advantage.

2973. Do you think that any material addition might be made to the Consolidation Acts, so as to alter the frame of Private Bills?—That is a point to which I have not personally addressed much attention; but I have no doubt that from time to time additions might fairly be made to those Consolidation Acts, so as to comprise matters which were not anticipated when the Consolidation Acts were originally drawn; they could be enlarged from time to time, and the more the better.

2974. Supposing that the promoters of unopposed Bills were permitted to obtain sanction for what they proposed without coming to Parliament, in the way you have mentioned; do you think that the security to the public and to private interests would be as great as it is now when those unopposed Bills are examined by Mr. Massey in the one House and by Lord Redesdale in the other?—I value very much all the caution which is now exercised, and I must add the great publicity which obtains in all Parliamentary proceedings. I think that those are advantages which ought not to be overlooked. At the same time I believe it would be quite possible for Parliament to lay down such conditions to be complied with, as would ensure both public and private interests being properly guarded.

2975. The saving would be in the fees; the solicitor's bill would probably be the same; he would have the same charges for attending before the Board of Trade, and so forth?—No; first of all I would not permit him to charge at the Parliamentary rate for proceedings before the Board of Trade; they would be regulated by the ordinary scale of charges for ordinary professional business. Thus you would at once get rid of half the expense, and then there would be only one tribunal instead of two; or rather I may multiply the proceedings by four, because the parties have to attend so many officers; and they have also to go before the Board of Trade, even in a great many of these instances, and the Admiralty, in addition to the tribunal of Parliament. Therefore I think

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that the expenses would probably not be one-fifth of the expense of a private Act of Parliament.

2976. We should lose the fees which are now paid upon unopposed Bills to the House of Commons?—Yes.

2977. How would you make up that loss; can you do without those fees?—I think that we must be prepared to do without them; on numerous other occasions we have transferred business to other departments, such as Enclosure Bills, and Road Acts, and Pier Acts, and Improvement Acts: all these have gone, and still business arises as fast as possible, and the fee fund is ample.

2978. Assuming that the establishment rendered necessary by having Private Bill Legislation to deal with is not capable of reduction after this change, the loss of the fees will have to be made up by an increased charge somewhere else, if the system is carried on of making the Private Bill Legislation support itself, so far as the establishment charges are concerned?—I should not be deterred by any such apprehension as that, from suggesting any improvement which I thought to be conducive to the public interests, as I believe such an improvement as this would be. I think that the fee fund will take care of itself. I expect that there will be other business constantly arising from other sources which are not, at present, anticipated, and even if not, the loss must be borne, for the sake of what may be considered a great law reform.

2979. I suppose that your plan would apply to all Private Bills where parties were assenting. You do not exclude any kind of undertaking from its scope?—I should certainly exclude none if they were of a character which would justify the application of general principles.

2980. And which could be reduced to a general law?—Yes, without any special circumstances affecting public or private interests different from the ordinary course.

2981. You have no doubt that we are in a condition, from our experience of railways, to be able to do that sufficiently well; for instance, branches and extensions of existing lines, where landowners were agreed, might, you think, with great advantage, be carried out without a Private Bill, and might be safely done without any specific sanction from Parliament, under the provisions of a General Act?—I should say so, certainly; nothing prevents the construction of a railway now but the necessity of taking land by compulsion and of obtaining power to take tolls; and the Act would provide that, under certain conditions, those powers should be granted. I consider that it is more consistent with the practice of modern times to delegate that power to some other tribunal than to keep it here. It certainly has been the policy of Parliament during the last 20 years to bring under the operation of General Acts as much of the private business of Parliament as was possible.

2982. You have not had an opportunity, by reference to the business before Parliament during the present Session, of estimating what reduction of business would have been caused, supposing that plan to have been adopted?—No; but there are a very considerable number of unopposed cases this Session before Parliament, to many of which, I presume, this plan would apply. I may add, that one of the greatest causes of expense is the bringing together of all the business into so small a space, namely, a space very little exceeding three months; that adds prodigiously to the expenses, especially with regard to counsel; it makes it necessary to retain a greater number of counsel.

2983. You would apply your plan to the raising of additional capital, for instance?—Yes, certainly.

2984. To enlarging stations?—Yes.

2985. And to making deviations?—Yes. In all those cases I would require the assent of the shareholders under the same conditions as by the Wharncliffe Order, and I would have notices sent to everyone interested in the application.

2986. To go back to the Joint Committee, which is the tribunal which, in your opinion, ought to be constituted, do you suggest any mode of getting rid of irrelevant evidence before that tribunal, and of bringing the issues clearly before them, so that time may not be lost in going into matter which after all may not be contested, and not necessary to be proved?—Yes; I think that there might be a greater separation between what I may call formal proofs, namely, matters which require to be proved in almost every case, and the matters which are particularly contested. I observe that a suggestion has been made to the Committee by Mr. Bidder, that the whole of the case should not be opened in the first

first instance, but that the general case should be presented by means of statements, or, I should rather say, by affidavits, which probably would be a better plan, and that then the opponents should open their case upon their petitions, specifically stating their grounds of objection, and that that should be answered by the promoters of the Bill. It struck me that this was a suggestion well worthy of consideration.

2987. That the opponents should begin, as it were?—Yes, and that they should state their objections to the Bill; that supposing a *primâ facie* case is made out by means of statements on affidavits, that the railway is necessary, and that the promoters are in a condition, as regards their capital and means, to make that railway, then the *onus probandi* should be upon the opponents to show cause why that railway should not be sanctioned; and I think that this course would limit the issue very materially, and also restrict the time taken up before the Committee.

2988. At the present time, if the Committee thought fit, they could require the opponents to begin, could not they?—Clearly it would be a matter of practice quite within the competency of the Committee.

2989. Would you have it laid down as a rule, that in all cases the opponents should begin?—No, I am scarcely prepared to say that I should lay it down as a rule, because the counsel might satisfy the Committe that some injury would be done to one party or the other, in some particular case, by adopting that rule. I should not fetter the discretion of the Committee too much; but I think it is a matter well worthy of the consideration of the Chairmen of Railway groups, and others.

2990. You would not lay down an inflexible rule, but you think that it should be an exceptional case when the opponent did not begin?—Yes, and I think that the practice of Committees might be changed so as to facilitate that practice; for instance, you might give the promoters leave to prove certain matters specified in the Standing Orders by affidavits, and they would be put in as formal proofs, and then if it turned out that there was no opposition, those affidavits would be conclusive afterwards, and no *vivâ voce* evidence need be adduced.

2991. It has been suggested that existing lines should not be permitted to oppose projected lines on the ground of competition; that in a case where a projected line did not infringe upon the works of an existing line, or take its land, the existing line should not be allowed to be heard upon the ground of competition, and upon the ground that such new line would withdraw traffic, and so forth; what is your notion upon that point?—The old Parliamentary rule excluded competition as a ground of *locus standi*; and eight or 10 years ago, after consideration, the new rule was adopted; and competition was for the first time admitted as a ground of opposition. I think myself, on the whole, that it is the correct principle—not that I would maintain, except in some very rare and exceptional cases, that any Bill could be rejected simply on the ground of competition; but I think it is fair to hear the parties. Of course, when once they are admitted on that ground, namely, that their interests will be injured, they open out a general case, and state reasons quite apart from their own interests, which, in their judgment, will influence the Committee. I may state that the reason why competition was admitted as a ground of opposition, was to get over the practice by which landowners were invariably resorted to to raise an opposition, being backed by the Railway Companies; and it was in order to bring the railway companies before the tribunal, that this ground of opposition was admitted.

2992. Do you think that the public would be better satisfied if nobody were absolutely excluded from this court?—I think so; I believe that the public are more satisfied when they are heard, even if their grounds of objection are untenable, and they have a very slight chance of success. There is something invidious in absolute exclusion, unless a very sufficient reason can be shown for it.

2993. Have you thought of the subject of awarding costs as a check upon frivolous opposition to new schemes?—That is a matter which has been discussed again and again, ever since I can remember any of the inquiries which have been undertaken regarding private business, and there is a great diversity of opinion upon the subject. Undoubtedly, if costs are allowed to be granted, they must be granted under considerable safeguards; they must not be left

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absolutely to the discretion of the Committee. A case must be made out of clear vexation; a Bill must either be opposed or promoted vexatiously.

2994. Mr. *Massey*.] With regard to the Joint Committee of the Lords and Commons, do you think that any difficulty would arise upon questions of privilege; there are certain Bills which contain privilege matter, and which must now originate, according to our rules, in the House of Commons; and if they went before a hybrid Committee, it would be neither one thing nor the other; it would be neither Lords nor Commons; do you think that that difficulty might be got over?—I think so certainly; we have got over some of the difficulties already, in order to enable the Lords to assist in taking some of the Bills, which matter of privilege prevented their taking. Those Bills would be considered to originate in the Commons, but would be, nevertheless, referred to this joint Committee. I think that if that plan, or any similar plan were adopted in the nature of a joint or single inquiry, one half of the Bills should originate in one House, and one half in the other; or the second House would be rather restricted in its range of inquiry.

2995. Mr. *Liddell*.] You have spoken of allowing unopposed Bills to be adjudicated upon by the Board of Trade, and you have recommended that a certificate should be given by the Board of Trade that the terms of a general Act had been complied with; would it not be also necessary that they should see that the Standing Orders had been complied with?—Certainly; what are now called the Standing Orders would, in such a case as that, be incorporated in an Act of Parliament, and would become conditions with which every promoter of one of these provisional orders would be required to comply.

2996. Standing Orders are rules framed by Parliament for its own guidance?—Yes.

2997. I presume that no Public Department could be considered cognizant of those Standing Orders?—No; they would be incorporated, with some modifications, in a general Statute.

2998. New Standing Orders are framed from time to time by Parliament, and consequently additions would have from time to time to be made to Public Acts?—Yes; that would be so.

2999. Your attention has, I think, been chiefly called to amending the present system?—Yes, in this examination.

3000. Have you considered whether an altogether new tribunal might be constituted by which this class of business could be done more efficiently, and at the same time with security to the public?—I paid a great deal of attention to that question several years since; and I was examined upon a scheme of mine before a Committee of the House of Lords in 1858. My plan differs somewhat from those which have already been before the Committee, and I will state it, if you desire it, in a few sentences.

3001. Do you prefer to amend the present system to proposing a new tribunal?—I think that if Parliament were prepared to adopt a new system altogether, it would be superior to anything which could arise out of alterations and improvements of the existing system; whether Parliament would be prepared to do so, is another matter.

3002. There are inherent defects in the present system which are incapable of amendment, are there not?—So I think. There are great advantages undoubtedly in the present system, one of which is, the power of getting through an enormous amount of work in a short time. You have an unlimited number of Committees, which are appointed according to the amount of business which comes before Parliament in any one Session. Of course, that could not be done with any other tribunal; but we should be obliged to make arrangements by which the tribunal, notwithstanding the fact that it would be single, could, nevertheless, dispose of all the business which would come before it, within a year.

3003. Does not the difficulty regarding a point which has been very much discussed, namely, that of awarding costs, arise from the loose constitution of the present tribunal?—There are a great number of tribunals, and they may not be agreed upon a variety of points, such as points of *locus standi*, points of procedure, and points of evidence. All these are matters upon which it is necessary that there should be so distinct a rule, that counsel and parties may be perfectly aware, before they come into court, what is admissible, and what is inadmissible, and then the case is naturally limited. But when counsel came

before a new tribunal every time, they try everything which they think is for the advantage of their clients without limitation; there is hardly a rule which checks them; that, of course, would be put an end to if there were a sole tribunal. Then again, as to the sittings of the court, any one court constituted apart from Parliament would be able to commence its sittings in November, and continue until August, with only very small vacations; the court would probably meet at 10 o'clock, and sit till five, or later if necessary, while counsel were addressing them, instead of having such very short sittings, as those of Committees, and sittings only five times a week at the utmost.

3004. Will you kindly explain to the Committee what your views are with regard to the constitution of a new tribunal, other than the Parliamentary tribunal which at present exists?—I have observed, first of all, that both Houses of Parliament have had great confidence in their own Committees, and I take that to be because those Committees are amenable to them, and have been constituted by their authority; and in consequence the reports of those Committees are almost invariably upheld by the House. Even discussion of them is very much discouraged. Now one observes a very different attitude of the Houses towards public departments; there is always a jealousy, and perhaps a proper jealousy of every Executive and Administrative Department. Parliament is prepared to assume that almost everything is done wrong, and is quite ready to overthrow them in some way or another; and it is so far a very useful jealousy for the public. The improvements which have taken place of late have had in view, that the tribunal in regard to private business, should be as judicial as the nature of the case will admit. I therefore think that the tribunal, if any were to be constituted for the adjudication of such cases, should be as judicial in its character and constitution and procedure as possible. I am well aware that many of the questions which have to be adjudicated upon are *quasi* legislative; but still I think they ought to be determined by judicial persons, and according to judicial principles. For this reason, I would not place any contentious jurisdiction in an Executive Department, for then you would probably have the President or Vice President of the Board sitting in Parliament and questioned as to his discretion in the exercise of a judicial function, which I think is quite inconsistent with our notions of judicature. I would therefore have the court constituted so as to be quite independent of Parliament. I would select the very best men who could be obtained. I would establish a court of a high degree of authority; I would make it a Parliamentary Court, amenable to Parliament, and I would give its decisions as much weight as is usually attached to the decisions of Parliamentary Committees.

3005. You would render it competent to Parliament to review the decisions of that court, and if necessary, I presume, either order a new trial or set aside its decisions, if Parliament thought fit?—Certainly. I apprehend that it would not be difficult to establish a tribunal which would soon create so much public confidence, and also ensure the confidence of Parliament, that its decisions would not be disturbed more frequently than the decisions of Committees under the present system.

3006. Have you reason to suppose that the proceedings could be conducted in such court with much greater cheapness and greater certainty than in the case of the present tribunal as it exists?—I feel great confidence that such a court would be efficient and successful. Of course it must have a sufficient staff of officers to look to the compliance with the Standing Orders and to take the formal proofs, and in every way to simplify the procedure before the court itself; and then I apprehend that in nine months' sitting it could satisfactorily perform all the duties which are now performed by the Committees of the two Houses.

3007. The charges for the legal proceedings, the fees to counsel, and so on, would, I presume, be regulated by the rates ruling in other courts?—That of course would be a matter for consideration; but I should think that there would be no reason why they should not be regulated by the usage of other courts, because the ground upon which larger fees are allowed in Parliament is, that it is an exceptional tribunal, and is only sitting for a few months in the year, and that it withdraws practitioners from other courts. If the court were sitting all the year round like any other court in Westminster Hall, I do not see why the payment to a professional man should not be regulated by the general usage of the profession.

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3008. Colonel *Wilson Patten*] How would you constitute the Court?—I would constitute the Court of four judges or commissioners, and I should wish to see it constituted as powerfully as possible, of men eminent for their judicial or Parliamentary experience. It is difficult to indicate precisely the class of men, but I should be glad to see some judge, for instance, withdrawn from Westminster Hall, as in the constitution of the Divorce court, to take the lead in the court. I should like to have a man of that eminence, or an ex-chancellor if one could be found; a gentleman to give credit and standing to the Court. I should like to see also an able Parliamentary counsel of high character and standing, and I should desire to secure an experienced Chairman of Committees of this House who was leaving Parliament, or was willing to leave Parliament.

3009. But not holding a seat in Parliament?—Not holding a seat in Parliament. I should think that such a condition would be essential. I would make this Court such as to give public and Parliamentary confidence, if possible.

3010. Mr. *Puller*.] I think that you have expressed an opinion that the great evil is the double investigation before the two Houses?—I consider that to be one of the most prominent evils.

3011. And you have told us that of the cases which were heard last year before Committees of the House of Commons, about one-half were also heard before the House of Lords?—Yes, so it appears.

3012. And that in only four of those cases the decision was reversed, but that in other cases amendments were made?—Yes.

3013. Can you tell us in what number of cases amendments were made in the Bills?—No; there would have been probably some amendments in a very considerable number of them; whether they went to the vital principle or not, I am not prepared to say.

3014. You have also mentioned, of which fact there can be no doubt, that there is a great unwillingness in the two Houses to reverse the decision of a Committee, or to re-commit the Bill; is there any considerable number of applications to do that?—No; I have said that it is very rarely done.

3015-16. It is very rarely applied for?—It is very rarely attempted.

3017. May it not be from the feeling on the part of the disappointed parties that they have another trial in the other House, and that they have as good a chance of succeeding before a Committee of the House of Lords as they would have before a second Committee of the House of Commons?—But I apprehend that feeling would not prevent them from attempting to reverse the decision of the House of Commons if they thought that they had a chance of doing so; but they know that it is unavailing; they know that the House is so accustomed to stand by the decision of its own Committees, that those attempts are discountenanced, and therefore it is not tried.

3018. May it not be one reason why the House is so unwilling to interfere with the decision of a Committee, that all the Members of the House know that there is another mode of discussing the matter, namely, before a Committee of the House of Lords afterwards?—I cannot recal that such a consideration has ever been used as an argument in debate. In debate the ground always assigned is, that the matter has been fully heard and adjudged by a Committee which has heard all the evidence; that the House has heard none of the evidence; that its decision must necessarily be *ex parte*, and that it does not wish to interfere with the discretion of its own Committees.

3019. Still there is a second hearing before a Committee of the House of Lords, if the parties choose to avail themselves of it?—Clearly; but I think that if there were a single inquiry, it would be found that there would still be the same reluctance to disturb the decision of a properly constituted tribunal before whom all the evidence had been adduced.

3020. In a Committee, the decision is often carried by three to two, is it not?—Yes, no doubt.

3021. Therefore it is, in fact, what may be called a single vote in a Committee divided in opinion; do you think that it would give satisfaction to the public if, where that had been the case, there were no means of having a second hearing?—I have already stated that there would be peculiar cases in which, I think, that a rehearing should be allowed; but I think that those should be the exception.

3022. Would that be before the same Committee?—It would depend upon what

what system might be adopted; the usual course now is, if there is a rehearing, to recommit the Bill to the same Committee; that course is never adopted, as far as I am aware, without the concurrence of the Committee itself, in a great measure; they feel that it is a fair question for investigation a second time.

3023. But you would confine those rehearings to cases where a clear case of miscarriage had been made out?— Clearly. I should assimilate it to the case of a new trial in a court of law, where special grounds are assigned, such as misdirection by the Judge, or the improper exclusion of evidence. I should put it upon some specific point which, I think, might generally be indicated.

3024. With respect to the copies of evidence, are you aware of what proportion the copies of evidence constitute the profits of the solicitors?—It would be very difficult to give an answer to that question.

3025. We have been told that it is more than half?—I should have doubted that very much indeed.

3026. Supposing it to be so, do you think that it would be just to the solicitors, as a body, to take away the whole of that source of profit without increasing their other fees.?—To begin with, I must question the accuracy of any answer of that sort. I am quite satisfied that that source of profit does not form anything like one-half; probably any witness who has stated that, may have referred merely to the proceedings before the Committee; it is possible that that may be so.

3027. The solicitor's profit on the Minutes of Evidence is 6*d.* a folio?—Yes.

3028. And in the course of a day occupied in taking evidence, there would be 300 folios of evidence?—Yes.

3029. That is a profit of 7*l.* 10*s.* upon each copy, and four copies are not an uncommon number; therefore the solicitor's profit would be 30*l.* in one day upon the copies of evidence alone?—Yes.

3030. And his own fee is only five guineas?—Just so.

3031. Do you think then that Mr. Blenkinsop may not be right in estimating the profit upon the copies of evidence at one-half of the total profit of the solicitor?—I think that he is wrong if he applies it to the whole proceedings from beginning to end, commencing with the compliance with Standing Orders, and ending with the Royal Assent to the Bill. I do not believe that the profit from the copies of evidence forms anything like one-half, probably not more than one-fourth.

3032. You have suggested that the promoters should file affidavits; have you worked out the manner in which the case would be conducted, supposing that that course were adopted; would those affidavits be read by their counsel to the Committee at the opening of the case?—They might be read, if necessary; they might refer to them, but they would be chiefly as to formal matters, which probably would not be much controverted.

3033. Then you do not propose that it should extend to the whole of their case?—Clearly not; not to any part of the case which one may call contentious, and which is likely to be opposed by the other side, otherwise the opponents would be excluded from the right of cross-examination, which would not be fair.

3034. Supposing that each party were bound to set out their whole case in the way of affidavit, but had the right of cross-examining any parties who had made those affidavits, would not that be a considerable saving of time?—I should hardly extend it to the whole case, because in the first place it would scarcely be practicable. Take the case of an engineer who has to prove the whole case; he could hardly do it in an affidavit; his affidavit would be very short and succinct, namely, that the gradients were generally good, and that the line was altogether what it should be. I do not think that he could enter into those particulars which are brought out in a *vivâ voce* examination.

3035. Supposing that by such an arrangement each party could be put in possession of its opponent's case beforehand, do you not think that it would lead to a good many compromises and arrangements, so as to keep the case out of the Committee altogether?—Yes; I think that some plan of preliminary statements might be adopted, but it must be very carefully guarded, lest the House should feel itself embarrassed by voluminous special pleadings, which above all things must be avoided.

3036. I did not mean pleadings, but I was putting the supposition that each party should state their own evidence by affidavit, as is done in the Court of Chancery?

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Chancery?—I think that the system of affidavits might be made available to a very considerable extent. I will not say to the full extent, but certainly, in unopposed cases it might be done throughout just the same as is done upon Standing Orders, in unopposed cases, which are frequently proved by affidavit, and not a witness appears.

3037. Mr. *R. Hodgson.*] How would the House of Commons review the decision of the new court which you propose?—I would say that there should be two modes of procedure in the court itself. It is very important that any tribunal of that sort should first of all be able to get through the business within the time; and in order to do that, supposing there were four Members of the court, I think that the greater part of the cases should be heard by a single judge. Then I would suggest that there should be a power of review in the whole Court upon certain points. In that case probably no appeal would ever come to Parliament. But supposing that any such appeal should be made, then I think that a Committee of the House, constituted like the Standing Orders Committee, might, upon a written statement of the parties appealing, authorise either a re-hearing before the Court, or an appeal to a Committee of both Houses, or to a Committee of one House, as the case might be.

3038. That would be a review by the House of Commons; how would the House of Lords review the decision?—I should propose, as the most expedient tribunal in such cases, a joint tribunal of the two Houses as the last Court of Appeal.

3039. To revert to your other plan, do you think that the investigation having taken place before a single tribunal, would not cause more frequent discussions in either House of Parliament with respect to the merits of a measure, than take place at present. I am now speaking of the Joint Committee?—I think it is possible that in the first Session or two of a new experiment there might be endeavours made to overthrow the decision of the single tribunal. I apprehend that if that tribunal were properly constituted, and did its work efficiently, those endeavours would be unsuccessful, and that in succeeding Sessions the opponents of Bills would be discouraged from renewing similar attempts.

3040. Do you think that the want of the opportunity of an appeal, or a second hearing, would give satisfaction, or not, to the public?—I think that if they had the power of a rehearing upon particular points without entering into the whole case again, they would be satisfied, just as they are, with any trial at law. Of course, the party who is unsuccessful, considers himself aggrieved, and believes the decision of the tribunal to be grossly erroneous, but still he cannot help himself: the decision is final, and he submits.

3041. *Chairman.*] The meaning of referring a Private Bill to a Select Committee is, that they may go into those details which cannot be dealt with in the whole House?—Yes, that the whole evidence may be heard.

3042. Your principle is, that one Committee might do that for both Houses?—Yes, that is my opinion.

3043. It is a work which has to be done in a Committee, because it cannot be done in the whole House?—Yes.

3044. And your idea is, that one Committee could do the work for both Houses equally well as for one House?—Yes, and I think that both Houses have come to the very wise conclusion that they are not competent to revise the decision of a Committee, they not having heard the evidence and not having heard the arguments.

3045. When you began your duties as Examiner you were an Examiner of Standing Orders for the House of Commons, were you not?—Yes.

3046. Were you still an Examiner when the system was changed?—Yes, when the Examiners did the work for both Houses.

3047. Will you explain that matter; the Examiner acts for both Houses?—Yes.

3048. Formerly each House had its Examiner?—Originally the plan was that the compliance with Standing Orders was proved before Select Committees of both Houses, and there were six sub-committees in the Commons who investigated these questions of compliance with the Standing Orders; in the year 1845 they were occupied for about three months of the Session, and it was the most costly litigation that we knew; the Committee can scarcely conceive the costliness, the uncertainty, and the difficulties of that tribunal; then two

Examiners

Examiners were appointed to do the work of those six Committees, and they accomplished it in six weeks in the very first year, and they afterwards accomplished it in less time. They laid down rules which restricted the questions in dispute; formerly every agent who argued before a Committee tried his case on, as it was called, hoping that he might find the Committee willing to entertain his objections; but the Examiners at once laid down rules which were known to be inviolable, and the consequence was that all the inquiries were very considerably limited; again, the Examiners separated the unopposed from the opposed cases, and in that way got rid of hosts of witnesses who formerly were kept waiting perhaps for a month before they could gain a hearing before the Committees. This new system continued, as regards the Commons, from 1846 to 1854, and during the whole of that time these inquiries, which had been conducted before an Examiner in this House, were conducted a second time before the Standing Orders Committee in the House of Lords; but in 1854 the Lords put an end to that system, and appointed the Examiners for the Commons as their Examiners also; and from that time to this the Examiners have taken all the proofs of compliance with the Standing Orders for both Houses, and they make their reports to both Houses.

3049. Then the Standing Orders of the House of Lords became assimilated very much to those of the House of Commons?—Yes; from time to time the Lords were constantly amending their Standing Orders, so were the Commons, and by degrees they became almost identical.

3050. So that you have in that case a single inquiry substituted for the former double inquiry, and one officer makes the inquiry for both Houses?—Yes.

3051. In the same way you think that one Committee properly constituted might take the necessary evidence upon a Private Bill for both Houses?—Yes, and I may say that five out of six of the professional gentlemen at that time were extremely doubtful with respect to the Examiners; they said that their authority would never be maintained, and that it was impossible that they could succeed. I can only say, that from the beginning, and as soon as the plan came into operation, universal satisfaction was expressed.

3052. When was that single officer for both Houses recommended?—That plan was recommended at an earlier period, but it was not accepted by the Lords till 1854.

3053. Was there much discussion upon it; was there much jealousy?—I can hardly say jealousy; I think that the Lords were satisfied with their own tribunal. There were not so many contested cases there as in the Commons, but it was pointed out to them that a signal injury was done to the promoters of Bills, because sometimes, when the Standing Orders had not been complied with, but had been dispensed with in this House, they went through all the proceedings and got up to the Lords, and were there defeated upon some small point of Standing Orders. That was found to be so great a grievance to the promoters of Bills, that at last the Lords were induced to alter their system most beneficially.

3054. Mr. *R. Hodgson.*] With respect to the House fees, do you see any reason in what are called the *ad valorem* House fees?—I confess that I never was friendly to the principle of the *ad valorem* charge; and I think that it might fairly be either repealed altogether, or considerably revised.

3055. With reference to the diminution of the revenue of the House from fees in consequence of a part of the legislation being done by means of Provisional Orders, I suppose that the expenses of the House would be decreased in a great measure by the same process?—If the assistance of the Board of Trade or other departments were called in, I doubt if the expenses of the establishment here could be reduced; I think that there would still be a sufficient quantity of private business to make necessary the maintenance of the same establishment.

3056. How would you propose to diminish the expense to parties with regard to counsel's fees?—The great cause of the expensiveness of counsel's fees consists in the fact that we have so many Committees sitting at the same time. If by any arrangement, either within the walls of Parliament, or by such a course as I have sketched out, only two, three, or four tribunals could be sitting at the same time, counsel's fees would immediately fall to a fair and reasonable amount. The cause of the excessive amount paid to counsel is that you are obliged to

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retain a great many more than you really require for your business, because you cannot ensure the attendance of any one eminent counsel; he is occupied in many rooms at the same time, and in order to ensure your case being properly conducted you are obliged to retain at least twice as many counsel as you require.

3057. Do you propose to take away the fees of solicitors upon copies of documents as well as upon Minutes of Evidence?—Certainly not, because they are of a different sort; I think that that principle of remuneration is fair enough, but I think that the price might be somewhat reduced.

3058. Supposing that the present system of Committees were continued, do you think it would be an advantage to diminish the number of members to three instead of five?—Scarcely; I think that five seems to be, on the whole, a satisfactory number. We have so many cases of illness or absence, that with a Committee of three, if one member were absent it would reduce the Committee to two, which is rather below our ideas of a quorum.

3059. Do you think that Committees should have the power to give costs in cases where the Committee were unanimously of opinion that costs should be given?—Yes; I think that it might be a wholesome corrective in some few cases of very vexatious opposition; but I believe it would be very rarely exercised.

3060. You think that it would be a sufficient check, if the Committee were unanimous upon the point?—Yes; I think that it would be a very good thing if a discretion were given to the Committee.

3061. You have mentioned as one of the evils of the present system, the discrepancy in the procedure, or decision of the Committees; have you any remedy to suggest for that?—I think that the Chairmen of Groups should have more communication than they have. It was originally understood, when the Committee on Railway and Canal Bills was first constituted, that the Chairmen should meet and confer and agree upon various points. No doubt they have frequently had meetings, and have assisted one another very materially, and I believe no one can doubt that the constitution of these Committees has been very greatly improved. At the same time, I think that they might meet more frequently, and might confer before the time appointed for the sitting of the groups, and arrange various points with regard to *locus standi*, and evidence, and forms of procedure, which would diminish the cost, and curtail the length of the inquiry.

3062. Would you have them report the result of those meetings to the House, or in what way would it act upon the procedure of Committees?—I would merely make it a matter of consultation between them, unless they thought that they were about to settle principles which required, in some degree, the authority, or at all events the cognizance of Parliament.

3063. *Chairman.*] With reference to the joint Committee, do you think that when it was constituted, it would feel that as the adviser of both Houses, a greater responsibility was resting upon it; and that it would deal with the cases under a sense of greater responsibility, and with greater care?—I should hardly say that; I apprehend that the Committees at present entertain a full sense of their responsibility, and do their very best to arrive at just conclusions.

3064. Knowing that this joint Committee was holding the inquiry for both Houses, would not all parties concerned take care to bring their whole case before that Committee?—Certainly; they would be bound to do so.

3065. Rather than keep something back, hoping that it might tell better in another place?—Clearly; they would have no chance, but before that one tribunal, and therefore must bring forward all their evidence.

3066. The Chairman of the joint Committee, upon your plan, would always be a Peer?—That was my mode of meeting the difficulties which had arisen in former times, as to the constitution of a joint Committee; I know of no other method which would appear to me to reconcile the dignity of the Lords, with the claims of the Commons to have a numerical majority.

3067. You would, I suppose, have different Committees appointed upon different Bills?—Yes, but I would have very large groups.

3068. Do you think that it would be desirable to have fixed Chairmen paid by salaries?—No, I would not recommend that course.

3069. Mr. *Puller.*] You mentioned that in 1847 there was a considerable reduction

duction made, namely, one-third, in the allowance to Parliamentary agents and solicitors?—Yes.

3070. How was that reduction made?—Under the authority of the House of Commons Costs Taxation Act. Under that Act the Speaker had authority to prepare a scale of fees and charges to be made by Parliamentary agents and solicitors; that scale was framed by me and submitted to the Speaker; it was founded upon the previous charges which had been allowed on taxation elsewhere, and at least one-third was the reduction made throughout; it was about 33 per cent. generally.

3071. In that scale counsel's fees were not included?—Counsel's fees were not embraced in the Act.

3072. But in point of practice, if I am rightly informed, the taxing officer of the House of Commons would disallow the charge if a greater fee were given than 10 guineas a day?—Certainly, or fees improperly charged; for instance, supposing that the taxing officer discovered that a counsel's fee was charged for a day on which the Committee was not actually considering the particular Bill, in respect of which he was retained (and such cases have occurred from inadvertence), that fee, as a matter of course, would be struck off; but as regards the amount, the taxing officer has no discretion whatever; it is a lawful charge.

3073. Supposing that a rule were established for the taxing officer to make a distinction between the daily fee to a silk gownsman and to a junior counsel, would not it have the effect of establishing such a practice?—It would scarcely be a matter, in the first instance, for the taxing officer; it would be either by some new custom adopted by the profession itself voluntarily, or regulated in the same manner as the scale of charges for solicitors, under an Act of Parliament, either by the Speaker or by some other sufficient authority.

3074. Supposing that the rule were established by a sufficient authority, would it not have the effect of making it the practice that there should be a distinction in the daily fee, leaving the solicitor to put what fee he pleased upon the brief?—Yes; of course, whatever was the authorised charge would be laid before the taxing officer, and he would allow nothing beyond it.

3075. Mr. *C. Forster.*] Would not a scale of fees for counsel, laid down by the authority of the Speaker, have a tendency to assist in promoting an alteration of the present system of payment for the daily attendances?—Certainly. I should say, however, that, as the fees of counsel are all regulated amongst themselves, and as they cannot bring an action for the recovery of fees, which are merely an honorarium, the matter would be best settled by themselves; and if they declined to make such arrangements as were thought right by Parliament, of course an Act could be passed which would settle the matter in such a way as Parliament should direct: a scale could be established either putting an end to the Parliamentary rate of charge, the day fee and consultation, or reducing that charge.

3076. Mr. *Paull.*] You said that there were inherent defects in proceedings before Committees, and I gathered also, in the constitution of the Committees, will you state what the defect is in the constitution of the Committee?—In the constitution of the Committee the defect is that it is a trial by jury without a judge: there is no one, ordinarily, who is sufficiently experienced in judicial inquiries to be able at once to direct the course of proceeding as it would be directed in a court which was sitting continuously for nine months in the year, and adjudicating upon cases of the same description. I think it stands to reason that there must be difficulties on that ground.

3077. Would not that defect continue with the joint Committee which you propose?—Undoubtedly. I started by saying that any improvement in the proceedings of Parliament would still leave many of the defects uncured.

3078. Upon the whole, you advocate a fresh tribunal?—Yes, if Parliament were prepared to accept it; but I have almost lost all hope of their agreeing to it.

3079. I understood you to say, that the scale of fees to solicitors and Parliamentary agents was quite adequate?—Yes, that is my opinion.

3080. And that there was no excuse for any further profits being obtained by reason of the copies of evidence?—No, what I would say is this: that these copies of evidence really did not form part of the consideration for which the other charges were allowed; I do not think that those charges could

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have been reasonably placed higher, even if there had been no copies of the Minutes of Evidence; but the fact is that this system of copies of Minutes of Evidence has grown up to monstrous proportions during the last 20 years; and it had not been contemplated originally when the high Parliamentary charges first came into use.

3081. You said that you thought that the furnishing of copies of the evidence day by day, might be done away with altogether, leaving it to the counsel employed to take notes of the evidence?—Yes, that is the cheapest course.

3082. Do you not think that it would have the effect of checking the length of the proceedings?—I think that it would; I believe it would have the effect, as it has in the courts, of narrowing the point at issue; and that instead of a counsel being embarrassed by the enormous length of the evidence he would have his attention directed to the salient points of importance at issue bearing upon his case.

3083. You think that where a counsel did not rely upon the printed evidence to enable him finally to sum up his case, he would be obliged by himself or his juniors to take adequate notes?—Yes, and it would also ensure the attendance of at least one counsel continuously throughout the proceedings.

Colonel *John Wilson Patten*, a Member of the Committee, Examined.

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3084. *Chairman.*] You find that the Private Bill Legislation imposes a great deal of labour upon Members of Parliament, do you not, and that it is difficult to find Members for the Committees at all times?—I think that for a few years past there has been a much greater disinclination on the part of Members of the House of Commons to sit on Private Bill Committees than used to be the case; and I think that it has arisen very much from the nature of the inquiry; the Members think that a good deal of time is unnecessarily devoted to subjects which are not quite within the province of a Member of Parliament; and also that the decisions of one Session are very often apparently reversed in another; I likewise think that there is a much greater difficulty than there used to be, from the circumstance, that in order to carry out the present system satisfactorily it has been found necessary to appoint a very small number of Chairmen, who are called upon to devote a very large portion of the Session to the Private Business; this is an enormous sacrifice; and it is a very great difficulty with the Committee of Selection to find a small number of Members who will so devote their time to being Chairmen; the object of the Committee of Selection under the improved system of the House has been to keep as nearly as possible to the number of five Chairmen for Railway Committees; owing to the enormous amount of business it has been found impossible to keep exactly to that number; and the Committee of Selection have taken this course, they have asked gentlemen of the greatest experience in the House to serve occasionally on the Chairmen's panel, and by that means they have a body of experienced Members in the House capable of taking the place of Chairmen of Railway Groups, as the pressure of business may require.

3085. You heard Mr. Adair's suggestion, as to having paid Chairmen for Committees; what is your idea upon that point?—I do not think that the House of Commons would ever consent to having a number of paid Chairmen. There are constitutional objections to it; and though I do believe that the work would be done a great deal better and more satisfactorily, if a few Members could be got to devote the whole of their time from years' end to years' end to private business, I am afraid that the constitutional objection to having paid Members of Parliament would be so great, that you could not hope that the House of Commons would accede to it.

3086. But it is a good reason for paying the Chairmen, that they find that the work which they have to do is very arduous, and occupies a great portion of their time?—I think that it would be a very great object, to secure the continued attention of Members of Parliament to the private business of the House, and it is almost the greatest improvement which could be made in the business.

3087. Under the present system, when an opposed Bill passes through the two Houses, it is inquired into by a Committee of each House, is it your opinion that one inquiry before a Select Committee would be sufficient to supply the requisite information for both Houses?—The difficulty of arriving at such

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an alteration of the present system is very great; I have always looked upon the Private Bill Committees of both Houses of Parliament in this light, I think it is not the place of those Committees to be taking evidence as to facts; those facts ought to be substantiated for them by some other body, and the attention of the Committees of Parliament ought to be exclusively devoted to judging of those facts when so ascertained, as a matter of legislation.

3088. Supposing that, as respects the taking of evidence, there were no change, do you think that a single inquiry before one Select Committee, properly constituted, would furnish sufficient information for the guidance of both Houses in passing the preamble of a Bill?—I think that there is no doubt at all about the matter as regards the ascertaining of facts.

3089. The Houses of Parliament pass a Private Bill in consequence, as it may be called, of the recommendation of their Select Committee to which that Bill has been referred; that is the principle?—Yes.

3090. Is it your opinion that one such inquiry before a Select Committee would furnish adequate information to guide both Houses?—On the whole, I am inclined to say yes, when I look at the present state of things; but I think it is quite possible that a question might arise with regard to railway legislation and private business, as it does in everything else of a national character on which each House of Parliament might wish to exercise its own judgment. For instance, in the early commencement of railway legislation, there was a very important matter to be determined; and I think that it was wrongly determined between the two Houses, namely, whether there should be the broad or the narrow gauge. It was discussed with different views in each House of Parliament. I believe that there was one view in one House and the other view in the other, and that it ended in the broad and the narrow gauges both being maintained.

3091. As a Private Bill has to pass through both Houses, upon any exceptional case, such as that which you have mentioned, the House of Lords could, if they thought fit, exercise an independent power, and have an inquiry of their own; but I am asking you whether, as an ordinary rule, one inquiry before a Select Committee might not be sufficient to supply both Houses with the requisite information for passing a Private Bill?—Yes, I am inclined to think that it would, subject to what I have stated. I think that, on the whole, I should be inclined to recommend a single inquiry, instead of a double one.

3092. That would be a mode of getting rid of a good deal of expense, would it not?—Certainly.

3093. Are you of opinion that there are any insuperable difficulties or great difficulties in the way of procuring a joint Committee of Lords and Commons to act upon such an inquiry?—I have been mixed up with one or two attempts at it, and I should say that there is considerable difficulty. I think that great difficulty would be found in getting the House of Lords to consent to a joint inquiry, unless the opinion of the Lords is very much changed from what it was about four or five years ago.

3094. This proposal of a joint Committee is not a novel one?—No.

3095. It has been considered for some years past?—I believe that it has been formally submitted to a Committee of the House of Lords.

3096. Has any opinion been given upon the proposal by that Committee?—That I am not able to say; but I am rather inclined to think that it met with so much discouragement that it was not pressed.

3097. That was the case when it was first proposed to have one Examiner of Standing Orders for both Houses?—Yes.

3098. But the same prejudices and difficulties have been there got over, and there is a fair chance, perhaps, that the House of Lords will not see the difficulties to a joint Committee which they formerly did?—I think that if it should be the determination of the House of Commons to maintain the present system in anything like its existing shape, it is quite worth while to make another attempt to induce the House of Lords to consent to a joint Committee.

3099. The precise constitution of that Committee, might be a matter for future consideration, if you could get the principle agreed to, that the two Houses should act together upon one Committee?—Yes, I think that the suggestion which Mr. May made just now is a very good one, provided you take that course.

3100. We have heard some evidence given by Mr. Blenkinsop, I think, and

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two or three other witnesses, with regard to the expenses now incurred, before parties come to Parliament, in order to put themselves in a position to carry a Bill; and those witnesses are of opinion that the notices to individual landowners might be reduced in expense, and that the schedule might be left out, which would make a very considerable difference, where a number of landowners had to receive notice; have you considered that point?—I do not think that I can give a very good opinion upon it. I have had very little experience on the subject; the only way in which I see it, excepting as a private individual in the country, is as the Chairman of the Standing Orders Committee here. When the Standing Orders are not complied with, I have to look into the matter, and certainly it does occasionally appear to me that very great expenses have been incurred in complying with the Standing Orders of the House; but as to how that could be rectified, I do not think that I can give an opinion at all to be relied upon.

3101. Do you think that it is a desirable suggestion, that the parties should have a few days of grace by paying a certain sum, so as to cure a defect in the compliance in the Standing Orders?—I think that that might be desirable; at the same time, in the Standing Orders Committee, we are always very careful to examine whether a non-compliance with the Standing Orders has been one over which the parties had no reasonable control. We try to enforce the Standing Orders with great strictness; but at the same time where parties show that they have used every reasonable exertion to comply with them, we grant indulgence. If a person, for instance, has tried to lodge his plans on a Monday, and some circumstance has occurred which has prevented his doing it till the Tuesday or the Wednesday, the Standing Orders Committee usually show indulgence. But the danger of relaxing the rule would be that you would have a very large number of people taking advantage of it. There are occasions when we are obliged to be very strict indeed, especially where we think we see that there has been negligence, or an attempt to evade the rules of Parliament.

3102. Is there any suggestion which you would yourself like to make to the Committee without my putting a question to lead to it?—I think that if the present system of Private Committees is to be maintained, the great object is to establish in the Committee some principle by which it shall be the interest of parties to shorten instead of lengthening the proceedings. The great defect of the present system is, that before a Private Bill Committee of the House of Commons, there is not a single individual who appears before it who has not a direct pecuniary interest in prolonging the proceedings. I should be very sorry to throw out any insinuations that men of great eminence were influenced by a wish to obtain thereby profits, but I think it is evident upon the face of it, that no system can be satisfactory where every person present has a large pecuniary interest in the prolongation of the proceedings; if the Chairman will look at the parties who appear before a Private Bill Committee, he will see at once that there is not one who has not that pecuniary interest.

3103. Supposing that there was no refresher for attendance, but a larger fee upon the brief, would that have a tendency to shorten the duration of inquiry?—I think that that would be an admirable change. I do not myself believe that the leading counsel have any sort of unworthy bias in the conduct of the business before Committees. I have myself seen many cases where counsel have used their utmost endeavours to shorten the proceedings, but when I have subsequently looked at the proceedings, and have seen the evidence which has been given, and how the case has been conducted throughout, I have come to the conclusion that it might have been very much shortened, and that it might have been conducted with much greater economy; I have also come to the conclusion that the cause of the lengthening has been the system which I have just described. I am quite convinced that it would be a great improvement if the system of giving fees on the brief could be adopted in Committees of the House of Commons as it is in Westminster Hall.

3104. The principal part of a counsel's emoluments, in fact, now arises from the fees for daily attendance?—I believe so.

3105. And the longer the case lasts the greater, of course, is his remuneration?—Yes.

3106. And, I suppose, that the fee on the brief is made less than it otherwise would be in reference to the remuneration for attendance?—Perhaps it may be so;

so; that I do not know, but I am quite sure of this, that if a railway company, for instance, wanted to secure the services of Mr. Hope Scott, or of the late Mr. Serjeant Wrangham, or any of the leading counsel of the day, their own interests would lead them to give an adequate remuneration to that counsel, and I believe that they might give a larger retaining fee than they do now if the daily fee was not necessary.

3107. Do you think that it would be a useful change to reduce the number of the Committee to three?—My opinion has been shaken upon that point since I have come into the room to-day; I was of opinion that a Committee of three would be much better than a Committee of five, but what Mr. May said just now has shaken my opinion very much, and there is great reason in it, namely, that illness and casualties are of such frequent occurrence in our Committees that a Committee of three would be rather too few. I think, for instance, that if there is a Committee of three and one gentleman is taken ill, or is kept away by the illness of his family, or any other cause for which Parliament usually gives leave of absence, it might not be satisfactory to great railway companies, for instance, to have their case tried by two Members.

3108. Mr. *Puller.*] Is there not a middle course, namely, a Committee of four?—I have heard that suggested; a Committee of four, altering the mode of proceeding and giving the Chairman two votes.

3109. The Chairman now has two votes if one Member is absent?—When all the Members of a Committee are present he has not two votes now.

3110. But if one is absent he has a second vote?—Yes.

3111. In the case of a Committee of four Members, with a double vote to the Chairman, he would only be outvoted if all the other Members were against him?—Yes.

3112. There might be some advantage in that?—Yes; a Committee of four, with a double vote to the Chairman, I think, might be an advantage.

3113. That would diminish the difficulty of getting the ordinary Members of Committees?—Yes, to a certain extent.

3114. Do you find the greatest difficulty in getting Chairmen, or in getting the other Members of the Committees?—The difficulty is very great in getting the Chairmen. The honourable Member himself knows that we go from Session to Session to Members like himself of great experience, and that we get them with difficulty to devote themselves for the whole Session, and it is very often a matter of favour. With regard to the present Chairmen of Committees, I believe that no less than three of them are serving as a matter of favour to the Committee of Selection.

3115. Would it not be easier to get Chairmen if you had a greater number of them; that is to say, if you only expected a man to sit for half the Session, instead of expecting him to sit for the whole Session?—The danger of that is, in getting back to the old variety of decision. I think that one of the greatest improvements which I have seen in the Private Bill Committees, has been, that since we have had very few Chairmen, we have got to a much greater uniformity of practice in the Committees; a good deal of expense has been saved in that way, and we have got one or two questions settled which might be again unsettled if you had a great number of Committees sitting, with a great variety of Chairmen.

3116. Would not uniformity of practice be considerably promoted if the questions of *locus standi* and the admission of evidence were settled by the Chairman's decision alone?—I think that the best manner in which to settle the question of *locus standi*, if you could arrive at it, would be that it should not be settled by the Chairman of the Committee, but by the Chairman's panel, and that they should have an opportunity of conferring together in some Committee-room on each case of difficulty. I do not speak from any very great practice in Committees. I have held the office of Chairman of the Committee of Selection and of the Standing Orders Committee for so many years, that it has taken me entirely out of the practice of Committees, but my recollection of that practice is, that the Chairman always did exercise a principal control over the Committee, very much like that of the chairman of quarter sessions, on all matters of *locus standi* and rules of court.

3117. That is only by the courtesy of the Committee?—It is by courtesy; so it is at quarter sessions. The chairman of quarter sessions by courtesy is

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generally deferred to upon all matters of that kind, and my recollection of the practice of Committees is very much the same.

3118. Still is there not this evil attending upon the present system in which every member of the Committee has a voice on these questions, that the counsel knowing that fact hope by making a long speech they may be able to win over the other members of the Committee, and outvote the Chairman?—I think that that evil would be very much increased if you increased the number of Chairmen. I believe that having a small number of Chairmen the counsel know that there is a greater chance of uniformity amongst them, and that they do not take advantage of the composition of the Committee to the same extent.

3119. *Chairman.*] Do you think that there would be any disposition to sit an hour or two longer in Committees on Private Bills?—I am afraid not. I made the attempt in two Sessions consecutively to induce all the Committees on Railway Bills to sit from 11 o'clock till four, but it has been such an interruption to the private business of Members that the attempt has failed. Mr. Adair has, in the most praiseworthy manner, sacrificed himself for a whole Session, and I believe that some other Chairmen have done the same; I am not sure whether Mr. Puller has not done so.

3120. Mr. *Puller.*] I had no difficulty in getting the Members to come at half-past 11 except on Monday, when Members were coming up from the country?—On the whole it is so unpopular amongst the Members that I do not think that it could be carried out. At the present moment the Committees themselves decide at what hour they will sit; if they think proper, any Committee can now sit from eleven till four.

3121. *Chairman.*] Would it not be appreciated as a boon by the promoters and opponents of Private Bills if Committees sat for a longer time than they now do?—One would naturally suppose so. I assisted Mr. Adair when he first attempted it by every means in my power to get the rule adhered to, but the opposition came not more from Members of Parliament than it did from the counsel employed; the counsel were almost unanimous against it; and the reasons given by the counsel was, that with the number of Committees before which they had to appear it left them so very little time to prepare their cases.

3122. Mr. *Paull.*] You have been asked with respect to the number of which a Committee should consist; have you ever considered how far it would be advisable, in certain cases, to have only one Member?—I think that, in many cases, one Member would be better than more. I cannot give a stronger proof of it than the rule which the House of Commons has adopted for years past, where one Member does conduct more than half the Private Bill Legislation of Parliament.

3123. And in the House of Lords the same?—Yes.

3124. Do not you think that the Chairman is frequently induced to allow an examination to go on longer than he would think necessary for his own information, because he has gentlemen sitting by his side who may desire to hear it?—I do not know what the motives of the Chairmen may be; I think that there is very great advantage in the system under which unopposed Bills are now conducted before Parliament. I have known, in my own experience, of parties getting their Bills opposed, in order to get them out of the reach of the gentleman whom I see before me.

3125. *Chairman.*] An unreal opposition?—An unreal opposition. It was done, in one case, to my certain knowledge, when I was Chairman of Ways and Means. The Bill was opposed to get it out of my reach; and I think that I have seen more than one instance since Mr. Massey has been in the chair, where the same thing has been done.

3126. Mr. *Paull.*] Do you think, from your experience, that Chairmen would object to sit alone?—I do not know that they would.

3127. Do you consider that they would think the responsibility too great?—If you ask me whether I recommend such a system, namely, that contested Bills should go before one Chairman, I decidedly say no, for the same reason as that for which Mr. May has objected to a Committee of three, that illness might put an end to it; of course, the objection would be threefold greater in the case where there was only one Member.

3128. Mr. *Liddell.*] We have been told that the present tribunal is a jury without

without a judge; would not that be precisely to reverse the position, and to make it a judge without a jury?—I do not agree to the present tribunal being a jury without a judge. I believe, that constituted as the Committees now are, there is a great deal of merit in them, and that the general results of the present system (barring the expense and other defects) have been very good indeed. I cannot illustrate it better than by taking the railway systems of France and England. Under our Parliamentary system, we have a railway at every man's door; in France, as everybody knows at the present moment, where there is a much better system as regards shareholders, the public are crying out in all directions for greater railway accommodation, and cannot get it.

3129. With regard to the length of the proceedings, are not the proceedings lengthened from the inability of Committees to control the counsel, from the want of that authority which they would recognise in a judge, but which they do not recognise in a Committee?—There may be something in that; and I think that at one time it was carried to a very great extent. Indeed, when we had Private Bill Committees sitting in almost every Committee-room, and a great variety of judges, great liberties were taken with the Chairmen; but my experience latterly has been, that at any rate the same liberties are not taken, and that the Chairmen of Committees have a greater control over counsel than they used to have, from the knowledge which counsel have, that those Chairmen have more experience.

3130. Then the new set of Chairmen, if I may speak of them as such, have, you think, stopped that loose and lengthy mode of taking evidence which counsel were formerly in the habit of using?—I have stated that I think that a great deal of time is often unnecessarily wasted in the conduct of the Committees; but, at the same time, the system is very much improved from what it was.

3131. Have you reason to think that the counsel themselves have a greater respect for a Chairman who is experienced?—There is no doubt at all about it. I have been in the habit of consulting counsel for a number of Sessions past as to the mode of conducting Private Business, and there is no point upon which they are more unanimous than that the Chairmen of Committees at the present time, as a body, conduct the business in a much more satisfactory way than they used to do.

3132. Have you found that if you have had occasion to draw from the ranks of Parliament a new Chairman, or one or two new Chairmen, the matters brought under their investigation have been prolonged more than they would have been had the inquiry been conducted by a trained Chairman?—I think that, to a certain extent, that must be the case; where you have a large body of Chairmen they cannot be so *au fait* to their business as one man would be who was always devoted to it. But the Committee of Selection have taken great pains with regard to that point; there is no one point to which we pay more attention than that, namely, to keep up in the House of Commons what you may term a staff of experienced Members ready to take the place of one of the five Chairmen in case of vacancy. We get a few additional Members from Session to Session, always keeping up in the House of Commons what we consider an experienced staff of Chairmen, but always keeping as near to the number of five for the Session as we can.

3133. But I understand you to say that there are great practical difficulties in the way of keeping up that staff?—There is a great difficulty, no doubt, it is so great a sacrifice on the part of Members that we have great difficulty in effecting our object. I think that if any one will look through the list of Chairmen of Railway Committees for the last three Sessions he will see what the work of the Committee of Selection is. There are a number of Members who have now had very great experience as Chairmen of Railway Groups, who, in case of a vacancy amongst the Chairmen, would be available if they were considerate enough to accept the office as an additional Chairman.

3134. Are you in a position to state for the information of the public what the average amount of the work done by these Chairmen has been for the last few years?—It is very variable; the Chairmen who have worked the greatest number of days in the last Session are Lord Stanley, Mr. Puller, and Mr. Adair; I think that they sat for the largest number of days last year.

 3135. Will

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3135. Will you state the greatest number of days for which any one Chairman has sat in any one Session?—Lord Stanley sat for 63 days in the last Session.

3136. Is not that an amount of work which it would be almost impossible for ordinary men to undertake so as to get through it satisfactorily?—It is more than one can reasonably expect, and I may mention that Lord Stanley, I believe, in this Session, accepted the office of Chairman again as a favour to myself; he objected strongly to it; but we thought it so desirable that he should fill the office of Chairman of the Chairmen's Panel, that I pressed him very much, and at last he yielded.

3137. Mr. *Paull.*] Can you tell us how many distinct groups Lord Stanley took?—I think that last Session he took three.

3138. So that in three cases the four gentlemen who served with him had equal labour?—Yes; but then he had three different Committees for three groups.

3139. What is your opinion of a distinct tribunal out of the House?—I have always been of opinion that you might have a distinct tribunal out of the House with one specific object, namely, to ascertain the facts upon which you are to legislate; I do not at all see why the investigation of the facts should be confined to a Committee of the House of Commons or to a Committee of the House of Lords; I believe that you might well establish some such court as has been recommended by Mr. May, and that on information furnished by that body you might proceed to legislate in Committees of both Houses.

3140. *Chairman.*] Without having any Select Committees?—No; you might do it through Select Committees. I would illustrate it in this way: supposing that you have a party applying for a railway from London to Birmingham, I do not see why it is absolutely necessary that it shall be ascertained by Members of Parliament whether all the gradients are sufficiently good, and whether the traffic is sufficient, how many tons of iron, and how many bales of cotton are likely to go along that railway. I think that that may be well ascertained before you come to Parliament, and that when those facts are ascertained on a report from some properly constituted body, you may hear the parties in the Committee, if you like, by counsel for or against the project; but I think that their arguments should be founded on the information which has been so previously obtained.

3141. And that those facts so supplied should not be disputed?—That they should not be disputed. The objections for years past which I have received from Members of Parliament are chiefly that they are shut up in a Committee room for the best part of the Session, and that the greater part of that time is taken up in proving facts which could be equally well proved by somebody else, and that they do not think that their time ought to be sacrificed to such an inquiry.

3142. But, knowing the facts, they should be asked to give an opinion as to what should be done?—Yes.

3143. Mr. *Liddell.*] The ultimate question of policy should be left to the decision of a Parliamentary Committee?—Yes, as it is now. An attempt was made years ago, by a preliminary inquiry, to arrive at that object, but it failed from a very obvious defect, namely, that the inquiry was not final; Parliament would re-hear the case, and the consequence was very soon found to be that instead of diminishing the expense, that plan increased it twofold, and I was the person who eventually proposed to the House of Commons to do away with the Preliminary Inquiry Act; I carried the point, and the Preliminary Inquiry Act was abolished on account of that very defect.

3144. Mr. *Puller.*] In what year was that?—I forget the exact year, it was about 15 years ago, but we had grievous experience of it, the expenses of some of the parties who came before us were found to be quite enormous.

3145. *Chairman.*] Your plan is totally different?—Quite.

3146. Your Court of Inquiry would ascertain the facts, which would be final?—Yes, I have heard days and days wasted by Committees of the House of Commons, in the examination of an engineer; and when you have come to look at the result of the inquiry, you have found that it has been a dispute whether a gradient has been 1 in 15, or whether it has been 1 in 55, or something

thing of that sort; that might just as well have been proved somewhere else, and not have wasted the time of Members of Parliament in proving it.

3147. Mr. *Liddell.*] Is not an engineering question of that kind, one upon which a Parliamentary Committee is wholly incompetent to decide?—I think very much so. I think it very often happens that the five gentlemen who have to decide an engineering question, are gentlemen whom you would not have selected for the engineering alone, and perhaps, as the Honourable Member says, they are incompetent to decide it.

3148. Mr. *Puller.*] Would you propose to give the outside tribunal jurisdiction over all the facts of the case, or only over certain classes of facts?—I would have certain matters laid down which must be proved by anybody, for instance, seeking a Railway Bill; namely, he must prove the traffic to be sufficient to justify him in taking possession of people's property for a railway; that he must prove that the engineering is sufficiently good; a number of things of that nature which usually take up so much time in Committees, should be proved before that tribunal.

3149. Mr. *Paull.*] Then in that case the Bill would be drawn in conformity with the decision of that tribunal, and the labours of the Committee would be to see that they only legislated, so as to give or withhold the powers which had been settled by the court?—I think that the Committee then would decide whether the case proved in evidence was sufficient to justify Parliament in giving exclusive privileges to the body who applied for the Act; because a Private Bill is really a concession of privileges to the body applying for it, and you give those privileges on condition that they comply with certain requirements.

Jovis, 30° die Aprilis, 1863.

MEMBERS PRESENT.

Mr. E. P. Bouverie.	Colonel Wilson Patten.
Mr. Milner Gibson.	Mr. Paull.
Mr. R. Hodgson.	Mr. Puller.
Mr. Liddell.	Lord Stanley.
Mr. Massey.	

THE RIGHT HONOURABLE THOMAS MILNER GIBSON, IN THE CHAIR.

Robert Baxter, Esq., called in; and Examined.

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3150. *Chairman.*] YOU gave some evidence during the last Session of Parliament with regard to the fees in the House of Commons, and, I suppose, in the House of Lords; have you anything to add to that evidence upon the subject of Parliamentary fees?—I think that I have no alteration to make in the views which I then entertained. There has been a great deal done upon the subject of solicitors' and agents' fees since the last Committee met; the matter has been before Mr. Frere, and the subject has been very much discussed. Mr. Frere has proposed a new scale of fees, the effect of which would be to reduce the profits of solicitors practising in Parliament by just one-half.

3151. Mr. *R. Hodgson.*] How do you know that?—Because he showed me all the fees which he proposed to report to the Speaker; he did not send me a copy of his report to the Speaker, but he showed me the fees which he proposed, and the effect of his alterations would be to reduce the net profit in the pocket of the solicitor by just one-half.

3152. *Chairman.*] Is not the principal alteration in the reduction of the charge for copies of Minutes of Evidence?—Yes; he proposes to reduce the profit upon the copies of the Minutes of Evidence from 6 *d.* per folio to 2 *d.* per folio; he reduces the gross charge from 8 *d.* to 4 *d.*, and the out of pocket charge being 2 *d.* a folio, it would leave the net remuneration from that branch just 2 *d.*, instead of 6 *d.*, thus striking off two-thirds.

3153. Are the other charges which a solicitor makes proportioned to the charge upon the Minutes of Evidence. Were they settled with reference to the profit derived from copies of the Minutes of Evidence, or are they themselves adequate for the services rendered?—There seems to be a very great misapprehension upon that subject. The remuneration of my branch of the profession in Parliament, or out of Parliament, is mainly derived from copies. In Parliament that particular remuneration is so great that it comprises more than half of the total charge. The same thing applies in a conveyancing business. In the case of a Lincoln's Inn house, concerned only with the business of a family solicitor, their great profit arises from the drawing and the copying of documents; their own personal charges for attendance to their clients are absolutely nothing in comparison with what they derive from that source. The main remuneration of the solicitor in every branch of the profession now rests very materially upon the copies of documents. In Scotland they have entirely another mode of remunerating the solicitor; they give him a per-centage upon the business done; if he buys an estate of the value of 100,000 *l.*, he charges by a kind of per-centage upon that amount, instead of making out a detailed bill of how many attendances he has had, the length of the documents which he has drawn, and the copies of documents which have been made. Unless you are prepared entirely to alter the principle upon which professional men are paid, you will, by taking away the charge for the copying, totally revolutionise the remuneration of that class of men.

3154. It has been stated that the fees which would be left after the change would

would be sufficient remuneration for the work actually done?—That is rather an invidious subject for any man who is in the habit of receiving those fees to touch; but when I tell you the fact, that the net remuneration to the solicitor would be reduced by one-half, and that the scale of remuneration has now been fixed from time immemorial, it is rather a strong measure to say, without any great inquiry, "We will simply cut down the remuneration by one-half, and perhaps half will be sufficient instead of the whole."

3155. Mr. *Paull.*] Is it true that the scale for solicitors' charges before Parliament is double that for ordinary business?—It is.

3156. You say that the new scale would reduce the solicitor's profit one-half, then is it unfair to reduce the charges for work done by professional gentlemen in Parliament to the same rate as those for work done by them out of Parliament?—I think that it is. I think that there are reasons why the scale of remuneration in Parliament should be higher. In the first place, Parliament is only sitting for a few months in the year, and not the whole year round. In the next place, a gentleman who takes Parliamentary business, and devotes himself to it, cannot transact other business to any very great extent, at the same time as he is transacting Parliamentary business, but must devote himself to Parliamentary business. Then he must obtain in what is practically five months of labour as much as will remunerate him for the 12 months. Again, the business transacted in Parliament is of a very much more important character than other business. We are there dealing continually, not merely with hundreds of thousands of pounds, but with millions, and interests of the highest possible consequence to the parties who are employing us. It occasions much more anxiety and very much greater devotion of time; and the wear and tear of such a professional service is very much greater than the wear and tear of professional service in the other branches of the profession. Therefore it seems to me that there is very great reason for the distinction which has been made, and which has always obtained up to the present moment.

3157. Mr. *R. Hodgson.*] You do not mean the Committee to understand that Mr. Frere has proposed to diminish by one-half, or to diminish at all any other of the solicitors' fees, excepting as regards the copies of the Minutes of Evidence?—There would be, upon Mr. Frere's proposal, a slight diminution, even in the other branches of charge, taking the matter as a whole; but the great cut which he has made has been in the item of copies of Minutes of Evidence.

3158. In some cases, has not Mr. Frere raised the charges?—Yes; but taking the charges which he has raised (exclusive of the Minutes of Evidence) and the charges which he has reduced, the charges are upon the whole reduced, and not raised.

3159. According to Mr. Frere's scale, which is recommended in his Report to The Speaker, is not the scale of charges still double, or nearly double that which is allowed to solicitors in other branches of the profession?—Most certainly. In the particular items of charge he has preserved a scale of nearly double, compared with the same or similar items of charge for business transacted in the courts of common law and the courts of Chancery.

3160. One witness has told us that the fees upon copies of evidence received by solicitors or by Parliamentary agents, according as the business is, Scotch or English, are divided between the solicitor and the Parliamentary agent; another witness has told us that it is not so; can you resolve that difference?—In all my practice, and in the practice of any house with which I am acquainted, there is no division of the fee for copying Minutes of Evidence between the Parliamentary solicitor and the Parliamentary agent. I have understood, but I am only speaking from information, never having been myself concerned in a Scotch case, that where an agent is employed from Scotland and conducts the business, the solicitor himself not residing in London, there is a division of the charge for those copies; but in England, where the solicitor attends in Parliament, and merely employs the agent as an agent, there is never a division.

3161. Mr. *Puller.*] You have told us that Mr. Frere's reduction of the profits upon the copies of Minutes of Evidence would reduce the solicitor's profits by one-half?—Yes.

3162. In speaking of the solicitor's profits, do you mean the profits made during the Session of Parliament, or during the whole progress of a Railway Bill from the first commencement of it?—I mean in the average of Bills, from the first beginning to the conclusion. There are many Bills in which there are

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very few charges of the solicitor occasioned during the Session of Parliament. In the case of those Bills, of course there is no copy of the Minutes of Evidence.

3163. You include, therefore, the solicitor's charges for all the negotiations, the meetings of parties, and the correspondence which takes place before the Bill is actually presented to the House?—Yes; upon a severely contested Bill, which is the model Bill, which I took when I spoke of one-half, according to Mr. Frere's proposal, the net profit to the solicitor, after deducting what he pays to the stationer, what he pays to his clerks, and what he pays to the gentleman to attend him, would be practically reduced by one-half.

3164. In an unopposed Bill, I suppose, there would not be that difference?—No; in an unopposed Bill there would be no difference; the charge of the solicitor upon an unopposed Bill is comparatively very small.

3165. You have made two statements, which do not appear to me to be quite consistent; you say that the profit on the copies of evidence forms one-half of your whole charge?—Yes.

3166. But that the reduction of that profit from 6*d.* to 2*d.* would reduce your profits to one-half; if your profit on the copies constitutes one-half of your whole profits, reducing that profit to one-third of what it is now ought to reduce your whole profits by one-third?—I think that the profits upon the copies of the Minutes of Evidence are about one-half of the gross amount of the Bill.

3167. Then, are you comparing the profits upon the copies of the Minutes of Evidence with the gross charge in the Bill?—Yes.

3168. And not with the profits of the Bill?—Not altogether.

3169. Therefore you mean to say that the profits on the copies of the evidence are more than one-half of your net profits?—Yes.

3170. As much as two-thirds?—Yes.

3171. You feel sure of that?—I feel quite sure of it. In the case of a contested Bill, if I take the whole profit now derived by the solicitor, and change it into Mr. Frere's proposed scale, I lose one-half of my profits upon the whole Bill; I have had it worked out.

3172. Is not your time fully occupied, we will say from the end of the long vacation, in the preparation of these Bills?—We then begin our negotiations, but our work then chiefly relates to business transacted for companies; our Parliamentary preparations do not at all engross our time until the House begins to meet.

3173. Previously to the meeting of Parliament, have you not all the negotiations going on, and the preparation and service of notices?—With reference to Bills which are coming on, we have the service of notices, but the negotiation for new Bills amounts to very little. We have the transaction of business for railway companies which are formed and carrying on their business, such as buying land, and attending their meetings, and carrying on their general business negotiations; but that is not in the character of a Parliamentary solicitor; and the charges made to those companies for that description of work are not in that character either; they are the ordinary charges for conveyancing. The only things which take the Parliamentary scale of remuneration are those connected with the preparation of a Bill, and carrying the Bill through the House. When we begin to buy land or to attend the meetings of a company, then all our charges go upon the ordinary conveyancing scale.

3174. It follows, I think, from what you state, that the time of a Parliamentary solicitor is, in point of fact, occupied during, we will say, 10 months of the year, but that it is not all occupied in the preparation and progress of Bills in Parliament?—A gentleman in the profession may either occupy himself in other matters after the end of the Session of Parliament, or may lie by, as some members of our profession do, until the time for Parliamentary labour commences again. If he wishes to occupy himself in other matters, he must have other people to take care of his business whilst the Session of Parliament is going on; he cannot attend to it.

3175. Has there not been a change lately with respect to the copies of pleadings in equity; are they not now printed?—They are.

3176. Did the copies of the pleadings formerly constitute a part of the profits of solicitors?—Yes, and they do still; the solicitor is entitled to charge for the printed copies the same as he charged for the written copies. They have

have made an alteration in the Court of Chancery; they print the Bill, they print the answer, and they print the evidence; but the solicitor makes his charges as if it were all written; and so, in Parliament, I have for the last six years, in very great cases, always printed my Minutes of Evidence, but I have always charged as if they were written. From all time past the book of reference has always been printed, but the solicitor charges for it exactly as if it were written. In point of fact, it costs the solicitor more to print than to write; but in the case of a book of reference, where accuracy is so very necessary, he incurs a greater expense to ensure accuracy; and so in a large case, where he serves, perhaps, four or five copies of evidence, he cannot print at a less cost than would pay for seven written copies; but he prints the evidence, and charges three or four, or, at the utmost, five copies, because it is more convenient to counsel, in a long case, to read printed evidence than to read it in manuscript; but I have always charged for it, and have always been paid for it at the same rate as for written copies.

3177. Then there is no diminution of charge to the suitor in Chancery, owing to the change from written to printed copies?—No, the solicitor makes the charge exactly the same as if the matter were written; there is in printed copies the advantage of the greater convenience to counsel, and besides that, when the evidence is printed, we can supply the Committee with copies of it. At this moment a Committee is sitting, the evidence before whom I have printed, and I can make a present to each Member of the Committee of a copy of the printed evidence, because it costs me no more to do so, and then they use it; but I charge my clients for just the same number of copies as it is usual to charge for when there are written copies.

3178. Lord *Stanley*.] Is not that mode of remuneration by the charges upon the copying very unequal, as between one case and another. Does the length of the evidence which is taken bear any proportion necessarily to the importance of the case, or to the labour which those concerned in the preparation are compelled to give to it?—I think that it does; I think that very generally it bears an accurate proportion. You never undertake a very important case but you find it very largely disputed, and it is the very opposition to the case which creates the anxiety and labour on the part of the solicitor, and entitles him to the extra remuneration. I think that the quantity of evidence bears a very fair and a very distinct proportion to the importance of the case.

3179. Supposing that, at the last moment, when the parties are in the Committee room, as often happens, a compromise is arranged between all, or the greater part of them, and the case goes off with a comparatively small expenditure of time on the part of the Committee, and, therefore, with comparatively little evidence taken, in that case is not the solicitor deprived, according to you, of the greater part of his remuneration?—It is so, but he must take his chance of that, of course. A solicitor is bound, upon principles of honour, to settle everything as soon as he can. Of course, the longer it is continued, the greater will be the charges; but it is his duty, and if he be an honourable man he will take care that he does so, to bring the case to an end as quickly as he possibly can.

3180. To put it in the least invidious manner, does not that method of remuneration, in very many cases, place his duty and his interest in direct collision with each other?—That is the case under the present system of remuneration, to professional men, not only in Parliamentary affairs, but in all affairs; they are now paid for the length of the document, and paid for the length of the dispute. In spite of that it is their duty, and I hope that, generally speaking, they do so apply themselves, to settle the dispute and to make the document as concise as it can reasonably be made; but if you paid them by a per-centage, as is done in Scotland in a very great measure, then it would not matter to them how long or how short the business was. The system now referred to is the system of remuneration of professional men in common law, in Chancery, and in conveyancing, as well as in Parliamentary practice.

3181. Then your argument is not that the method of remuneration is good in itself, but that it prevails so extensively that it could not well be altered in one branch of the profession, unless it were dealt with as a general question and altered in all?—That is my general proposition; but applying matters to the present case, what I say is, that it would be extremely unfair to the profession to take out one of the most important items of their remuneration,

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without some compensation, or without more consideration of the subject, than has certainly hitherto been given to it.

3182. *Chairman.*] I presume from that that you could propose that the fees which are paid for work done should be revised, so as to see whether they would be adequate after the change was made in the charge for the copies of the Minutes of Evidence?—I think that it should go a little further than that, and that unless some one is prepared to take up the subject and alter altogether the system of remuneration to my own branch of the profession, you cannot take away the charge for the copies of the Minutes of Evidence justly towards the profession. For instance, you cannot add to the charge which I can make for a day's employment. I am entitled to charge five guineas a day; if I put together all the amount of five guineas which I charge for the whole twelvemonth, I perhaps may charge 200 days, at five guineas each, which would be 1,000 guineas a year. That is all I could charge for my day's attendance in a Parliamentary point of view. I need not say that with the establishment which a professional man is obliged to keep, and with the labour and success in the profession which he must endure and attain before he can get into that scale of business which will enable him to charge 200 days to anybody, 1,000 guineas a year would be a very small remuneration; or if you doubled it, and made it 10 guineas a day, it would be a very small remuneration to a professional man.

3183. Mr. *Paull.*] That supposes having one case only going on during the 200 days; but if you had eight or ten cases going on it would considerably enlarge the emolument; perhaps to the extent of 50 or 60 guineas a day?—But there is no one case which would authorise a charge for 200 days; it is the multiplication of cases which makes the 200 days. I do not mean that there are 200 days in the year on which I can make a charge of five guineas, nothing of the kind, but on some days I can make a charge of two or three times five guineas; I put them all together when I say 200 days.

3184. Mr. *Liddell.*] Do you think that the clients might employ Parliamentary agents in cases where they now employ counsel, with a considerable saving to themselves, and a fair security that the work would be equally well done?—I do not; the talent and ability of a Parliamentary counsel is so superior to that of a Parliamentary agent that the one cannot be compared with the other. If you were to train a Parliamentary agent to be a counsel he might become as eminent, and evince as much talent as a Parliamentary counsel; but you may put a man of the first ability to the Parliamentary bar, and for a year or two he is of very little use; he has to learn the tone and temper of the Committee; he has to learn by experience what he may urge and what he may not urge, and it is the keenness of perception, the nice judgment, and the talent in taking all the points of his case, which make a man at the Parliamentary bar so eminent; so that to my certain knowledge there are one or two men at the Parliamentary bar whom everybody would engage; and only the other day I was remarking to one of them, that he had got an advantage for his clients which was worth more than half a million of money, as I believe, by the simple fact of his holding the brief.

3185. Your answer has reference to the leaders of the Parliamentary bar?—Yes.

3186. But I wish to ascertain whether there are not a considerable number of cases conducted by counsel, who are not leaders at the Parliament bar, which might be equally well conducted by solicitors. Are you aware that there is a Committee sitting within a few doors of this, which has before it a Bill called a Hybrid Bill on the question of the Metropolitan Roads?—Yes.

3187. Are you aware that the rich parishes of St. Pancras and Marylebone are heard before that Committee by Parliamentary agents, and do not employ counsel at all?—I was not aware of that fact.

3188. Are there not questions which enter the consideration of the construction of a new line of metropolitan road very analogous to those which may be raised as to the advantage or disadvantage of a new line of railway; questions of traffic, questions of landowners' interests, and so on?—I think so, certainly.

3189. If before a Committee of that importance, wealthy communities such as St. Pancras and Marylebone, are content to trust the guardianship of their interests

interests to Parliamentary agents, is it not a proof that Parliamentary agents are capable of doing this class of work?—There is nothing now to prevent any company or party who is promoting a Bill, or has a project in Parliament, from employing a Parliamentary agent instead of a counsel; there is no rule in Parliament such as obtains in all the courts of law, that you must have a counsel.

3190. I am quite aware of that, but I want to come to the question of the client's interest. Is it not a great saving to him to employ a solicitor in the place of a counsel?—Certainly.

3191. The payment is five guineas a day instead of 15 guineas?—Yes.

3192. There are no refreshers paid to a solicitor?—No; he has his five guineas a day.

3193. He is bound to do whatever work the client may call upon him to do for five guineas a day?—Yes, and the Parliamentary agent would charge the same sum; the counsel has 15 guineas.

3194. Then again there is a gentleman of the name of Eyre who is the chief mortgagee of the Finchley Trust, he is heard before the Committee to which I have alluded, not by counsel, but by a solicitor. Is not that another argument in favour of the view which I have endeavoured to get you to take?—There is no doubt that I could put my hand upon half a dozen solicitors who could argue a case before a Committee, as well as a great number of the counsel who are at the bar, and if you could get a man to remain in the Committee-room and conduct the case from end to end without leaving the room, you would have a great advantage in that respect; but anybody has the option now to do what you suggest, there is no compulsion upon him to take any other course, and therefore, what I argue is, that if the public and the companies have the option of doing that now, and they do not do it, it is because they conceive that they are better served by those whom they substitute for their solicitors, instead of employing their solicitors.

3195. Then they have in that case no right to complain of the exorbitant charges of counsel when they have the remedy open to them by employing a solicitor who would do the work as well?—The question of counsel is so entirely a matter of option in the Parliamentary Committees (it is not so in the other courts) that no one need complain, except of one rule, namely, that he cannot have a counsel for less than 15 guineas a day, and that he cannot have a counsel for a single day for less than 25 guineas. He must give him 10 guineas with his brief, he must give him 10 guineas for his day's attendance, and five guineas for his day's retainer. There has been a little question whether a counsel is not bound to attend one day without the 10 guineas, but practically we always pay the 10 guineas. There may be complaints of that, and I some time back suggested to the bar that they ought to relax the rule, and that junior members of the bar should come in for any sum that they chose to come in for, and that there should not be a rule of etiquette that they should not take less than 15 guineas. With that single relaxation, I think that everything would be perfectly satisfactory. If a gentleman chose to bring in a counsel, he might do it; if not, he might do without; but if he brought in a counsel, he might choose from the junior members of the bar, if he did not like to take a leader at the higher scale of charges.

3196. Mr. *Massey.*] How has that suggestion been received by the gentlemen to whom you made it?—Quite favourably. I spoke of it to the late leader of the Parliamentary bar, and he said that he was in favour of it. I have spoken of it to one or two members high at the bar now, and they are also in favour of it. I have no doubt that if there was a request to them from this Committee, or from any other source, that it might be done, it would be done at once; that is my impression.

3197. You have spoken of gentlemen of very great eminence whose services are indispensable in the conduct of the important business which is transacted in Parliament; is not the remuneration of those gentlemen entirely exceptional, and a case which forms no criterion for the general remuneration of the services of the bar?—The remuneration in Parliament is entirely exceptional, compared with the remuneration in the courts of common law or Chancery, or of conveyancing counsel. The magnitude of the interests at stake makes it so much the interest of parties to take the very first talent that they pay anything for it, and wisely too.

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3198. You have spoken of the services of solicitors, and you say that the interests of which they have charge in Parliament are of such a magnitude that their scale of remuneration should be high; does your opinion in that respect apply to the case of a landowner coming merely to protect his own personal interests, which are affected by, say, a railway scheme before Parliament?—It would apply if the interest of the landowner were of the same magnitude as that of the companies to whom I have referred. There are cases in which a landowner may be as deeply interested as to involve the loss of many thousands of pounds; but the great cases of landowners are, where gentlemen conceive that their residences are invaded, or where their estates are very much damaged in their own view. Those are the great cases of contention in Parliamentary Committees.

3199. Are not those questions of limited extent, and the value of which is capable of a moderate estimate?—Nine cases out of 10, or 19 out of 20, probably, would be of that character.

3200. Then would not the ordinary remuneration which the family man of business receives for the ordinary business of his client be sufficient?—I think not; in this respect: if the family solicitor is sent up to attend in Parliament, he is dislocated at once from his ordinary business; he must be here constantly from day to day. I have known gentlemen to be here for a month, five weeks, and even two months; and if he does go down into the country at all, he can only go down on the Friday night and come up on the Monday morning. Being thus dissociated from his ordinary business, he is entitled to a higher remuneration than if he were transacting the same kind of business at his chambers in his own town.

3201. Is he not in a great measure relieved from continued attendance, and unwearied assiduity to the case in town, by employing a Parliamentary agent?—If the Parliamentary agent does the business, and the solicitor remains in the country, he does not make any charge for it; but if he comes up he is entitled to take his five guineas a day instead of the three guineas a day which would be ordinarily allowed him, because he is separated from the ordinary transaction of his business.

3202. But would not the business be better done by the Parliamentary agents than by the country solicitor?—No; the Parliamentary agent is superior to the country solicitor as to his knowledge of Parliamentary proceedings; but you cannot infuse the facts of an intricate case into the mind of a Parliamentary agent; he has so many of those cases that he is lost in their multiplicity; he just gets the outline of each case, but cannot address himself fully to it, and therefore he insists upon having his client at his elbow when the Bill is in Committee.

3203. That being the position of the Parliamentary agent, the continuous attendance of the solicitor is indispensable?—It is indispensable in every case of importance certainly.

3204. Mr. *R. Hodgson.*] And for that attendance he gets a higher fee by two guineas a day, than if he were in the country?—Yes.

3205. And all his other fees as fixed by the Parliamentary scale are double the fees received upon the rest of his business?—Yes.

3206. In addition to that, you think that it is necessary for the adequate remuneration of that solicitor that he should have the fees which are at present charged upon the copies of Minutes of Evidence in contested cases?—Yes, because those copies only occur in severely contested cases; if a case comes before a Committee and is contested for one day or even for two days, there is no use in taking copies of the Minutes of Evidence, and we do not take them; but when a case is going on from day to day for weeks, the solicitor must have them, and that is his remuneration; he has great anxiety and bestows great attention, and I think that he is entitled to the remuneration.

3207. Then in those cases where the litigation does not last, he is in your opinion inadequately remunerated?—A professional man must take the average; sometimes you have an immense quantity of labour and toil to prepare a case which you expect will be for weeks before the Committee; it breaks down at once, and all your toil in a sense is lost; in that case the professional man is by no means adequately remunerated; but in other cases the matter is heard

heard for a very long period, and he takes the average of professional remuneration without scanning very narrowly each particular case.

3208. Is not the result this, that the longer a case lasts the more proportionate profit the solicitor gets from the business?—No doubt the longer a case lasts the more profit he gets out of it.

3209. The more proportionate profit?—The more proportionate profit, certainly.

3210. And the greater the number of copies of the Minutes of Evidence which are required and supplied, the greater is the proportionate profit of the solicitor?—Yes; the number of copies are entirely in the discretion of the client; the client says how many counsel shall be had; we ask our clients, "how many counsel do you desire to have in this case," and it is settled by the client how many counsel there shall be. There are particular incidents concerning counsel; some clients will have two, some will have three, some will have four, and some five, but that is the instruction of the client to the solicitor; wherever there is a counsel, he has a copy of the evidence.

3211. The result is, that the more counsel there are employed, the more copies there are of the Minutes of Evidence, and the greater is the proportionate profit to the solicitor?—It is so.

3212. Do you think that it would be satisfactory or not to the client, that he should pay a larger sum for the services of the solicitor for the work done, but that he should have the copies of the Minutes of Evidence supplied by Parliament at cost price?—It of course would be more satisfactory to the client, but to the other party concerned, it would not be at all satisfactory.

3213. Would it not be satisfactory to the solicitor if he were adequately remunerated in other ways?—Yes, if you changed the system of remuneration, and put it upon entirely another basis, but you cannot do that; for instance, you may take my establishment; I have 30 or 40 clerks; there are certain matters incidental to their employment, and there are certain charges made; but if you take out that which remunerates me for my clerks, I must discharge them, and then I cannot do the business.

3214. Then does not it amount to this, that those who are unfortunate enough to have these contested cases, do in point of fact pay for those who have uncontested cases?—I do not know that that can be said. The parties who have these contested cases, are the very men who have the purse to pay for them; no parties have these great cases but railway companies, and railway companies have very large means; they are the parties who have these cases, and they are the most competent to pay for them.

3215. Did I not correctly understand you to say, that in those cases where a contest is avoided at the last moment, the solicitor is inadequately paid?—Certainly.

3216. Do not a great many of those cases occur?—There are not a great many; you are not very often disappointed in your expectations of what will happen to a case, but you are obliged to undertake such very important cases, knowing at the same time that there is a risk, and that they may come to nothing. You labour night and day for weeks to get up the enormous proof of a very important case, and all at once your opponents retire, and all your artillery is entirely useless; you do not fire it off.

3217. In those cases, according to your opinion, the parties who have got off the contest, are those who get the services of their solicitor at a very inadequate amount of remuneration?—That is so.

3218. Do not those who have a contest pay both for themselves and for those who thus get off?—That is one way of putting the matter. The facts are these, that a professional man gets a certain amount of remuneration from all his cases; in some he is very well paid, in others he is very ill paid; perhaps you would add that in some he is overpaid. It may happen that a gentleman, for instance (as I have been instructed to do) wishes to employ five counsel; I must furnish each counsel with a copy of the Minutes of Evidence. I am adequately, and perhaps more than adequately paid for the labour which I perform in that Committee, because I have been instructed to make the defence or the attack upon a scale which gives me larger remuneration than another scale would have done; that is entirely in the discretion of the client.

3219. It is not in the discretion of the client how long a case lasts?—Certainly not.

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3220. If the case lasts for a long time, and he has thought it necessary for his own protection to employ a large number of counsel, is it not the fact that he is paying the expenses of your establishment, not for himself only, but for those who inadequately remunerate you?—Or, put in other words, the solicitor gets a larger remuneration, and a larger proportionate remuneration from that case, than he does from the average of cases which he conducts.

3221. Lord *Stanley.*] It may be satisfactory to the solicitor, but do you think that it is any satisfaction to a party, who, not perhaps intending to come again before a Committee, has paid two or three times more than would be the average, to know that there are other people who have paid very much less than the average?—Not at all; there is nothing which will satisfy a man who pays more than he thinks is adequate to the services which have been rendered to him, excepting a reduction of the charge.

3222. Mr. *Paull,*] In 1847, I believe, a reduction was effected in the costs of Parliamentary agents and solicitors?—Yes.

3223. And that was to about the extent of one-third?—I have understood so; I was not very conversant with the matter at that time; I did not look at it.

3224. Do you know whether in making that reduction regard was had to the retention of the copying fees?—At that time I understood that the question of copying fees, as well as attendances, was considered altogether, and that both together were treated as the remuneration of the professional men when the general scale was reduced.

3225. Was any reduction made in the copying fees at that time?—I think not.

3226. Was much resistance made to the reduction which was effected?—No; there was no great resistance made to the reduction; neither would there be resistance now if the amount were reduced to one-half; but those gentlemen would retire who did not like the scale of remuneration, and others would take their place. Of course Parliament have entire power over the fees which they like to be paid, and according to the scale of payment will be the scale of service.

3227. As in your judgment the proposed reduction would be a hardship now, was that reduction to the extent of one-third a hardship when it was made?—I think not; and I was prepared to say to Mr. Frere that under the circumstances of the present practice of the profession, if the charge for copies of evidence were reduced from 8*d.* to 6*d.* there would be no complaint on the part of the solicitors.

3228. The reduction not having been a hardship at that time, does not it leave the scale of charges adequate?—I think that they are fully adequate; I do not at all complain of the scale of charges.

3229. You told us a short time ago of an eminent counsel, to whom you made the observation, that his presence and influence had been equivalent to the saving of half a million to a company; was that by the skill with which he dealt with the merits of the case, or was it his personal influence before the Committee?—It was the fear of having him in opposition to the Bill that induced the parties to make terms, which had the effect that I have stated; that was the bearing of it.

3230. Then he was a conciliator, in one sense?—His appearance, without his opening his mouth at all, induced the parties to concede what they otherwise would not have conceded.

3231. If it was beneficial in that case, can you imagine that the same fear would prevail, and would turn out to be extremely prejudicial?—I do not think that the present practice is in that respect prejudicial; you always will have men rising to the head of their profession; those are the men of the greatest talent and the greatest tact, and wherever those men are, if there be a weak point in the case, they are sure to touch it; and the consciousness that it will be touched by such a man will induce the parties, in whose case there is a weak point, to make any sacrifice for a settlement, rather than come into the Committee.

3232. That observation which you have made rather points to the character of the tribunal; would the same kind of thing occur before a court in Westminster Hall?—I do not think that it impugns the tribunal at all. I have no doubt that in Westminster Hall many a man would go into court with a case if he

he knew the counsel against him to be of a particular calibre, and would not go into court at all if he knew them to be of a higher calibre. I do not think that there is any imputation at all of want of judgment in the tribunal.

3233. *Chairman.*] With regard to these fees and charges, is it at all a common thing to have a solicitor's bill taxed by the taxing master of the House of Commons?—The taxation by the taxing master is not so common in the House as it is to have the bills taxed out of the House. Almost all the great companies tax their bills, but not by the officer of the House of Commons; they arrange with some gentleman to tax their bills. I had a bill of 7,000 *l.* or 8,000 *l.* taxed a few days past by Mr. Frere; he took 60 *l.* off it, and the fees to the House for taxing it were 70 *l.*

3234. Do you suppose that it would be possible to supply the Committee with a solicitor's bill which has been practically incurred recently, without mentioning names, so as to show of what items the bill is composed, and how it is made up?—I should be most happy to lay such a bill before the Committee.

3235. Will you do so?—Certainly.

3236. Before a Committee of the House of Commons for the trial of an election petition, are the charges for counsel, and the fees for solicitor's work, and copying and so forth, the same as before a Private Bill Committee?—Precisely the same.

3237. In the case of an election petition, costs may be given against either party?—Yes.

3238. For instance; supposing an opposition to a petition to be frivolous and vexatious it would carry costs, and the parties who had opposed the petition would have to pay the costs of the other side; did you ever know a case where that occurred?—Yes.

3239. Was not there a taxation of those costs?—Yes.

3240. Can you inform us what was the rate of charge which was allowed when costs were awarded?—I do not think that it varied from the ordinary Parliamentary charge, but I can inform myself more particularly upon that point. There are two modes of taxation here as in the courts, of which perhaps you may be aware; one a taxation between party and party, and the other a taxation between the client and the solicitor.

3241. I am speaking of the taxation between party and party; can you supply us with the charges which were allowed in a case where the costs were taxed as between party and party in the House of Commons?—I have no doubt that I can.

3242. Will you do so?—I will.

3243. Can you suggest any diminution of cost to the promoters of Private Bills, which might be brought about without inconvenience to the public, or danger to private interests; can you suggest any reduction of expense before the promoters come to Parliament with their Bills; in the preliminary steps which are required by Standing Orders, and so forth?—I think the most important matter is the notice to the landowners. It is now a very great expense upon the Bill. We have to put on that notice the section by which the railway passes through each particular field, and each piece of land; and putting that section upon the notice is a very nice operation. We have to pay largely for it, and we charge heavily for it. I think that we charge 10 *s.* a notice for all the notices, and in the case of those which are served personally, 5 *s.* is allowed for service. I think that the section is entirely useless, we have to deposit the section in each parish with the parish clerk. The proprietor or his agent can therefore see at the parish clerk's office what the section is. He would get his Parliamentary notice, if he did not reside upon the spot he would send it to his agent for him to go and look at the plan, and there would be an end of it. But if we put the section on every notice, we must charge 10 *s.*; if the section were not required, one half the charge would be ample remuneration.

3244. Do you think that there would be no danger of the interests of landowners being injuriously affected by that omission in the notice?—I am sure that there would be none. A man must be very clever who understands the section, when it is put upon the notice, and if he has sufficient ability to understand it when it is upon that notice, he has sufficient intelligence to send to the parish clerk and ascertain how his lands are affected. You put

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upon the notice whether the railway is in cutting or embankment, or upon the level, but that does not convey anything like the definite knowledge which an inspection of the plan could do. I think that that schedule in the notice may very well be dispensed with, and that the expense will thereby be lessened.

3245. In the case of a Railway Bill which is not opposed, do you think that we could dispense with coming to Parliament at all, by laying down in a general Act the conditions under which such a railway might be made?—That might be done; but an unopposed railway only involves a Parliamentary expense of, perhaps, 1,000 *l.*, of which, probably, 200 *l.* is paid in the fees of the House; there therefore is no great expense in coming to the House for such a railway; and you would find, in practice, that you would scarcely ever know whether it was opposed or not, until you had put the parties to some test. The test here is that they must present a petition before a certain day. If you do not require that test, you must have a regulation that a man must send in his notice before a given day to some intermediate tribunal. That creates greater expense, in the event of the Bill ultimately coming before Parliament. I do not think that, as regards railways, there is anything to complain of in the expense of an unopposed Bill, in either House.

3246. The expense may be small, but is it necessary; for instance, where all the landowners are consenting, and where the shareholders are consenting, and where, on account of the special Act of the railway company, they cannot make some small extension, is it necessary that they should be put to that 1,000 *l.* expense for a Private Bill?—It is not at all necessary, under the circumstances which you state, of all the landowners consenting.

3247. I am assuming that all the landowners consent, and that the shareholders, or a large proportion of them, consent. Could not the sanction to do the work be obtained by complying with the conditions of some general Act, without being at the expense of 1,000 *l.* for a Private Bill?—That is quite possible, and, no doubt, it would be expedient; but where landowners do consent, you do not want an Act of Parliament at all, except for the purpose of crossing public roads; and if power were given to any public department to settle the question whether it would be expedient to authorise a level crossing, the parties need not come to Parliament at all. I have myself made a railway, 20 miles in length, without an Act of Parliament.

3248. An existing company, under its Act, might not be able to make some branch or extension, without additional power from Parliament, even where the landowners were all consenting; capital must be raised?—Then you would have to authorise somebody under the Act to enable the company to raise more capital. There can be no objection; but, on the contrary, it would be publicly convenient that where there is no opposition to a railway, either the first incorporation of a company, or the making of an extension by an existing company, should be authorised without a special application to Parliament.

3249. In the case of an opposed Bill, we hear that the expenses are much greater than they really need be, and that the proceedings are much more protracted than they ought to be. Supposing the jurisdiction to remain where it is, namely, in the Committees of the House, can you point out any practical mode of lessening the expenses and the duration of the inquiry?—If I am to assume that it is impossible to consolidate the inquiry between the two Houses, then the only alteration which can be made is to perfect the system, which has already, I think, advanced with very great benefit in the improvement of Committees, namely, to have a list of Chairmen, and to let each Committee be presided over by one of those Chairmen. It seems to me very hard to expect gentlemen to undertake that very onerous duty, and to shut themselves up in a Committee-room for the greater part of the Session, unless there be some salary attached to such a duty; and it has appeared to me that the wisest step now, in still further improving the Committees, would be to have, say six, or any other number of Chairmen selected from the gentlemen in the House, of the greatest competence, and to annex a salary as a remuneration for the labour; and to give each Chairman a Committee and a group to preside over, as at present. I do not think that the system can be amended. As regards shortening the proceedings, that so entirely depends upon the Chairman, that you can devise nothing which can attain that object, except the tact and talent of the Chairman.

3250. In

3250. In point of fact you would have paid Chairmen of Committees?—Certainly.

3251. Do you think that one Select Committee of Inquiry on the Preamble of a Private Bill would be sufficient for both Houses?—Clearly; and I think that it would work more satisfactorily than the present system.

3252. Lord *Stanley*.] Do you mean a joint Committee of Lords and Commons?—A joint Committee of Lords and Commons. I think that there would be greater weight in the Committee and greater confidence felt in the decision. Of course, sometimes, like all human tribunals, they would miscarry. In the course of some 15 years' experience, on a largish scale, in Parliamentary proceedings, I have known two or three cases where it has been eminently useful that there should have been a second inquiry. Last Session, I remember one case in particular, in which a Committee on a Group in the Commons sat, and out of three schemes they threw out two and passed one. It went to the Lords, and the Lords preferring one of the schemes which had been thrown out, threw out the third. That has resulted in an agreement this year between the three railway companies, who were heard, to adopt the line which the Lords' Committee thought to be the best.

3253. *Chairman*.] Was that Lord Crewe's case?—No, it was the case of a line to Hull. That is one case; but those are exceptions; and considering that it is only a private matter whether you shall enable a company to take a proprietor's land compulsorily, or one railway company to compete with another, one Committee, representing both Houses, would be amply sufficient, and the miscarriages would be so few as not to create any general dissatisfaction; whereas the shortening of labour would be very great, for in all contested cases we have precisely the same expense of appearing before Committees of the House of Lords as has been incurred in appearing before Committees of the House of Commons, except that the Committees of the Lords are rather more expeditious in their proceedings.

3254. You have, in fact, in contested cases, to do the same thing twice over?—Yes, we have to bring up the same witnesses twice over, to pay the same fees twice over, and to spend the same time twice over. If it were a great political and constitutional question, it might be wise to take those precautions; but in the matter of carrying a railway from one town to another, it cannot be necessary to preserve so formidable a check to any mistake.

3255. Even supposing that you had only one Select Committee for both Houses, the Bill itself would pass through all its stages of first, second, and third readings in both Houses, and therefore each House would really reserve a full control over it; but the detailed information necessary to guide the Parliament in passing a Private Bill might, in your opinion, be supplied to both Houses by one Committee of Inquiry just as well as by two?—Certainly; I think so, very strongly.

3256. You do not propose that either House should part with any of its independent jurisdiction over Private Bills?—Not at all; and I think that it would be very desirable that the Bill should be obliged to go through each stage, except Committee, in both Houses, and that it should be open to the same question in each House as at present. We know to what extent both Houses determine to lean upon the decision of their Committee, but subject to that if any mistake were made, either House might recommit the Bill, as they have power to do now; and I am satisfied that it would give more satisfaction than the present system. If there was a glaring miscarriage, upon the Bill being brought before the House, it might be recommitted upon a statement of the circumstances; but the suggested plan would save very nearly one-half of the expense in all the contested cases.

3257. And that would take place without depriving either House of the power of ordering a rehearing or a recommittal, or of curing a defect in the inquiry before the proposed Select Committee?—Just so.

3258. My question had reference merely to what I may call the ordinary run of opposed Railway Bills, and I wished to ask you whether one inquiry before a Select Committee would not be sufficient in the ordinary cases, but contemplating that in great and exceptional cases either House of Parliament might order its own inquiry, or take such course as it thought fit?—I think, and have long thought, after several years' consideration of the subject, that that would be a very expedient change, and would be very acceptable in every respect. I

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threw out the suggestion some years ago, and I have thought much of it since, and have watched the proceedings in both Houses since, and I am satisfied that it would be a very convenient change, and in itself would most materially lessen the expense of applications to Parliament.

3259. Mr. *R. Hodgson.*] What is it that induces people to take the contest to the other House of Parliament after it has been decided in one House?—It is the chance of success.

3260. Is it dissatisfaction with the verdict?—Not always; of course the party who appeals to the other House is dissatisfied with the verdict; but if you ask whether in cool reason the defeated parties think that there had been a miscarriage, that is quite another question. It is a party fight; they want to prevent the railway being made; they have failed in the Commons, and they try their chance in the Lords. There is a lottery as to who will be the Chairman and who will be Members of the Committee; and although the Committees in both Houses are always impartial, yet every gentleman cannot help having his own class of opinions. Some gentlemen are in favour of competition, and some against it; some are in favour of the public rights over-riding the private rights, others are in favour of preserving the private rights and preventing public interference with them; and the reason of appealing is, to take the chance of a Committee in the House of Lords deciding contrary to the decision which has been given in the House of Commons.

3261. *Chairman.*] I suppose that if there were a third Committee they would take their chance of it, and so on?—No doubt, and on to the end of the chapter.

3262. Mr. *R. Hodgson.*] Do you think that notwithstanding one party or the other is beaten in the end, upon the whole, yet speaking generally, all those who come before Parliament with contested Bills are satisfied that justice is done?—Of this I am quite sure, that there is great public satisfaction with the decision of Parliament upon these questions. In certain cases, I think that there is a manifest miscarriage, but upon the whole you could not suggest any intermediate, or other tribunal, which would be endured for four or five years. If you were to attempt to constitute a tribunal out of Parliament to solve and decide the questions which are decided in Parliament, the public dissatisfaction would be such that it could not live five years, but with a Parliamentary decision all persons are satisfied; first, because they know that there is no appeal at all; and next they say, we have taken our chance; we have done our best; we have been unfortunate, and there is an end of it.

3263. The public are satisfied now; but do you think that without any second hearing the public and the parties would be equally satisfied if only one tribunal were open whose decision would be final, unless it were reversed by a vote of either House of Parliament?—I do, indeed, with the provision which has already been hinted at, that both Houses would retain their entire control over the Bill, and that it would be competent to either House to recommit the Bill. If there were any glaring case of miscarriage the Bill would be so dealt with, but I am quite sure, from very long experience in these matters, that the public would be just as well satisfied with one conjoint Committee, where they would be fairly and fully heard, as if there were Committees in both Houses.

3264. Do you think it an advantage or a disadvantage that the merits of Private Bills should be discussed in either House as a matter of frequency?—It is obviously impossible that the merits of Private Bills should be often discussed there; no matters will be discussed there excepting some glaring miscarriage, or, what is supposed by parties to be, a glaring miscarriage on the part of the Committee.

3265. Would not the tendency of having only one tribunal be that the merits of Private Bills would be discussed in either House of Parliament much more frequently than they are now?—I think not, practically, in the present stage of railways. You have not fought out all the great questions; but they are narrowing very rapidly. The companies are growing less pugnacious than they were, and the great call upon Parliament now is for the construction of short agricultural local railways; and it is greatly in the interests of the public that those lines should be cheapened and promoted as far as possible.

3266. Mr. *Paull.*] Do you think that a tribunal might be constituted which should take all the evidence, which evidence should be printed, and an inquiry then be had before the Committee upon the evidence so taken; in fact, adopting

ing the practice, I think, of the Privy Council?—No. I am sure that that would not give satisfaction; because the evidence which would be taken in the one House would be taken under the circumstances under which the Committee then took it; and when you got up into the other House you would desire to raise new issues, and to subject parties to fresh cross-examination, and you would feel it a very irksome and unsatisfactory mode of proceeding if you could not have the man to answer upon all the new points, or enlarged points, which had arisen since the hearing in the other House. If you are to have a second hearing, it must be a thorough hearing, and it is now a thorough hearing; the parties are heard in the Lords just as if they had never been in the Commons, and if the Bill comes from the Lords they are heard in the Commons just as if they had never been in the Lords, and that is satisfactory; but to bring the evidence given in one House into the other House, would not be at all satisfactory, even if you could get the Committee to attend to such evidence; if you are reading evidence to a Committee, it is quite another thing from examining a witness.

3267. It has been represented that a great deal of formal evidence, and other evidence, might be taken in open court, and that every opportunity should be afforded for that evidence being given in full, and that then upon that evidence counsel should represent the case of either side. You think that that plan would not work?—I do not think that it would. I do not think that anything less than producing the man, and letting him be examined before the Committee, would be at all satisfactory in any contest, because the manner of the witness is a very material matter. Where you have evidence upon paper, it does not convey to the Committee the impression which they would gather from the manner of the witness in giving that evidence; his manner conveys an impression which you cannot put upon his mere words.

3268. You have said to-day, as you said before a Committee of the House of Lords in 1858, that where parties agreed to sell their land, there is no occasion to come to Parliament?—There is no occasion to come to Parliament in that case, unless they are under an incapacity.

3269. There is no occasion to come to Parliament unless they are under an incapacity or refuse to sell?—Just so.

3270. Do you know of any similar instances to the one which you have mentioned on that occasion, in which you stated that you had made 10 miles of railway without an Act of Parliament?—I have made 10 miles more without an Act of Parliament. I do not in my own experience know of other cases; but the Inspecting Officer of the Board of Trade told me that he knew of several instances in which railways had been made and opened without an Act of Parliament. The three things which would be requisite to give facilities in that direction would be these: first, that you should leave it in the power of some department to authorise the crossing of public roads; next, that it should be in the power of that department to authorise existing companies to raise further capital for the making of branches; and, thirdly, that parties should be capacitated, upon the certificate of that department, to sell their lands; that if the lands were in settlement, the Lands Clauses Act should apply, and that incapacitated persons should sell under the provisions for the safeguard of the settlement, which are included in that Land Clauses Act. Those three things being done, there would be a great many railways made throughout the kingdom without an application to Parliament at all. If you liked you might add a fourth, namely, that where three-fourths or four-fifths of the landowners were consenting, the project should be authorised, but you there get upon debateable ground, because the owner of property who does not consent may think that he has a grievance if you take his land, and he would be satisfied with nothing less than an appeal to Parliament upon the subject.

3271. Is there not this difficulty, that where parties have agreed to sell their land beforehand, the prospect of the railway will enhance its value so much that they refuse to adhere to that agreement, and the only means of compelling them to do so is by a Bill in Chancery?—I do not think that that is a practical impediment, because Bills in Chancery are very short, and not very expensive affairs. If you have once got a gentleman under contract, he is obliged to fulfil it; he will not suffer you to go to Chancery against him, because he knows that he will be obliged to pay the costs.

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3272. But the only remedy is in Chancery?—The only remedy is in Chancery; but it is by no means a difficult remedy.

3273. Mr. *Massey*.] Has not the practice of debating Private Bills in the House of Commons greatly decreased of late years?—It has.

3274. In the calculations which you, as a professional gentleman, make as to the fortunes of a Bill, do you ordinarily take into consideration the probable fate of a Bill on the second reading, as to the possibility of whipping, or any of those practices which were formerly resorted to?—Taking 99 cases out of 100, we do not think anything of the second reading of the Bill or the third reading of the Bill now, as we used to do in former periods. It is only in very exceptional cases indeed, that a Bill runs any risk upon the second reading.

3275. Formerly the fate of a Bill was, I believe, very precarious in reference to its being opposed upon the second reading?—It was so, certainly; but the quantity of private business now makes it practically impossible for the House often to interfere in matters of that sort.

3276. Do you observe a growing disposition in the House to refer these Bills to Committees, as the proper tribunal to consider the merits of Private Bills, and not the House itself?—It is so.

3277. Mr. *Liddell*.] You would only consider the fate of a Private Bill before Parliament on the second reading doubtful, in case of there being some palpable blot on the face of the Bill, or some violation of principle?—Yes, some violation of principle, or where that Bill had been before the House in previous Sessions, and had been dealt with by the Committees of the House; then it is possible that it might be thrown out on the second reading.

3278. And in your opinion it is desirable that the House should retain that power?—Certainly.

3279. You have stated that the Lords' Committees are more expeditious than the Committees of the Commons; doos that remark apply simply to Bills which are re-heard in the Lords, or equally to Bills initiated in the Lords?—It applies rather more strongly to Bills which are re-heard in the Lords, but it also applies to Bills which are initiated in the Lords.

3280. Will you explain from your knowledge of the two Houses why it is that the proceedings before the Lords' Committees are more expeditious, as a rule, than before the Committees of the Commons?—Because the Chairman in the Lords is more stern in requiring parties to keep simply to the matter which the Committee has to try, and prevents their travelling into collateral topics. A great delay in Committees of the Commons arises from parties continually travelling out into collateral topics, which is not suffered, generally speaking, in Committees of the Lords.

3281. Have the Chairmen of the Committees in the Lords, as a rule, had greater practice in the conduct of Committees, than the Chairmen who are now appointed to the different groups in the Commons?—Not so much, generally speaking.

3282. Then how comes it that a Chairman in the Lords appears to have that power over counsel, and that method of conducting a Committee, which leads to a more satisfactory result?—It is a remarkable fact, and one can only guess at the reason of it; but the fact is, that a peer, generally speaking, is educated from earlier life as a Chairman, and he acquires habits of acting as a Chairman with more precision, and more accuracy, than other people who have not had the same practice in early life.

3283. From your experience you have no hesitation in saying that you consider the conduct of Committees in the Lords superior to the conduct of Committees in the Commons?—I should hardly like to express an unqualified opinion of that nature; what I would rather say is this, that there is more leniency on the part of the Chairman in the Commons, and that more latitude is allowed to parties and to counsel in the Commons, than is allowed in the Lords; the Lords more sternly adhere to the simple question to be tried before the Committee, and will not allow a discussion of collateral topics so largely as is practically allowed in the Commons.

3284. Practically, do you find that counsel feel that in appearing before a Committee in the Lords, they do it more under restraint?—There is no doubt that we generally expect it, as we find it, and counsel are prepared for it, and they do not examine or cross-examine to the same extent in the Lords as they do in the Commons; I am speaking generally.

3285. Then I presume that in the distribution of business, there is a strong interest in clients to be heard first before the Lords?—They feel no interest in it, because they have no voice in it at all, they only hear of it when it is done, and they do not much care whether their case begins in one House or in the other. As they have to pass both Houses, they know that when they get into the other House, they will have the practice which is prevailing in that other House applied to the hearing of their Bill.

3286. They must abide by the decision of the Committtee charged with the distribution of the different Bills?—Just so.

3287. You propose having six paid Chairmen; do you propose that they should be equally divided between the two Houses, giving three to each?—If you were to maintain the same system of separate Committees, as at present, I do not think that three Chairmen in this House would be at all competent to conduct the business. I do not think that you could have less than six Chairmen in this House. The pressure of business at certain periods of the Session, in spite of the improvements which have been made in it, already is so great, that you could not do the work with less than that number of Chairmen.

3288. Do you propose that all the paid Chairmen should be Commoners?—If you persist in the system of letting the great majority of Railway Bills be initiated in the House of Commons, you must encounter the same press of business as at present, and you cannot meet it, I think, with less than six Chairmen.

3289. Lord *Stanley*.] But if I understand you rightly, you would propose that there should be only a single joint Committee of the two Houses; and, therefore, I presume that a Bill would be introduced into each House, and would be read a second time in each House before it was referred to that joint Committee?—Yes.

3290. In that case, the question of a Bill being heard first in the Lords, or first in the Commons, would not arise?—No; it would not. If you had a joint Committee six Chairmen would do all the business; but if you had separate Committees you must have six Chairmen in this House, without presuming to say how many you must have in the other. Although there has lately been a division of business between the two Houses, it has not been at all equal; the number of Bills initiated in the House of Commons always very far exceeds anything taken by the House of Lords; and therefore the great pressure of business lies upon the House of Commons. The Bills are weeded by the first hearing; and, perhaps, only two-thirds of them go up to the second stage.

3291–2. But according to your plan that would disappear altogether?—Quite so. Six Chairmen of conjoint Committees, I think, would be amply sufficient to conduct the private business of Parliament?—You, I suppose, suggest that the joint Committees shall consist of two Peers and two Commoners, and that there should be a list of Chairmen taken indifferently from both Houses, and serving upon those Committees, as they happen to be disengaged?—I think so.

3293. Assuming that constitutional or other difficulties prevented the establishment of a joint Committee, do you think that there would be any inconvenience in lessening the number of Members serving upon the Committees of either House?—I think that a Committee of three, or a Committee of four, would be nearly as satisfactory as a Committe of five. I do not think that the public attach any value to the number being five instead of three. I think that they would be just as well satisfied with three Members as with five.

3294. The objection, as you are aware, which has been taken to the reduction of the number of Members on a Committee to three is, that one Member might fall ill, or be prevented from attending, and that then the hearing could not be proceeded with; do you think that the chance of that happening rarely would amount to any serious inconvenience?—I do not. I think that seeing the difficulty which there is in getting Committees, if the Bills are still to go through Committees of both Houses, the only practicable plan will be to have paid Chairmen in both Houses, and to lessen the number of Members on Committees. The quantity of private business will necessarily, in a kingdom like this, continually and very rapidly increase. As you lessen the expense the amount of business will still more increase, and, therefore, you cannot look

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forward to the quantity of private business being ever less than at present; on the contrary, the pressure on Members of the House will be greater, and I need not say to those who are before me, that if you once catch a Member of Parliament who is not particularly anxious to be a judge upon a Committee, and he is confined there for six weeks, you do not soon or willingly catch him again.

3295. You say that the amount of private business is likely to continue to increase; do you take into consideration, in making that statement the fact, that the important lines are now for the most part completed, and that nothing further is required than small extensions into districts which the main lines do not reach?—Yes, I do; but the fact is, that every year increases the desire of every neighbourhood to have a railway, and the quantity of small railways which are asked for, for which large subscriptions and efforts to get them are made, is increasing every year, and will continue to increase for many years to come. At first it was thought that railways between the principal towns of the country were sufficient; but there is now no place with 1,000 inhabitants which does not desire to have its railway, and that will certainly increase; railways will increase as the advantages derived from them are felt, and a place without a railway thinks itself out of the world.

3296. You believe that that multiplication of small railways will lead to as much contested business as there is at present; you have no faith in the permanence of that truce and peace which seems to have been declared between some of the railway companies?—I do not think it is likely that there will be the same number of very fiercely contested trials before Committees as there have been, but I think that the number of railways coming, and the objections of landowners and of railway companies to their formation, will always create a great mass of business in the House which will require all the efforts of the House, which are at present made to conduct the private business.

3297. Putting aside for a time the question of joint Committees, and assuming that the double hearing goes on as at present, and dealing only with the question of the hearing in the Commons, do you think that if Committees were reduced to three Members, and if those Committees, whether by Standing Order of the House or otherwise, were required to meet at 11 o'clock and to sit till 5, namely six hours daily, there would be a very considerable saving of time and expense?—If they sat from 11 till 5, no doubt there would be a considerable saving of time in the shape of days, but it is a very severe ordeal both to the Committees and to the suitors to undergo; four hours is quite as much as can be reasonably asked either of the Committee or of the professional parties.

3298. Do you not take a jury of farmers, or of men who very seldom undergo any intellectual labour in their lives, and shut them up for eight or nine hours in a jury-box, for several days consecutively?—Yes, that is done once a year; and if a man has served one year, he gets a certificate of absence, I think, for two or three years at a time, so that though it is an infliction, and a severe one at the time, it occurs at distant intervals; but it is another thing when you are expecting gentlemen to attend year by year upon Committees, and to attend almost month by month, as is the case now with active Members of the House of Commons.

3299. Do you not think that they would prefer to sit six hours for four days rather than four hours for six days, independently of the saving which there would be in the actual expenditure of time by the longer sitting?—It would shorten the cases very much. When people get wearied, they get through the business much faster than they do when they are vigorous; they forget the points which they meant to raise, and pass over a cross-examination which they meant to conduct, and the evidence is much more slightly gone through. I dare say that the last hour of the six hours would be particularly rapid in the transaction of the business, from the exhaustion of those who engaged in it.

3300. Do not counsel at assizes, or even at quarter sessions, or before a county court, practise for a very much longer period of time consecutively than they would do in the case of Committees, if they sat from 11 till 5?—You may take one or two leaders as an example of the leaders of the Parliamentary bar; but, generally speaking, at the assizes there are so many barristers, that though a man may be eight, nine, ten, eleven, or twelve hours at work upon a particular case, yet his turn to work again may not come till the interval of a third day: the

the fatigue is not so continuous and excessive as it is here. Then there is another matter which in Parliament is a most extraordinary trial; the atmosphere of the Committee-rooms is most intolerable. I have spoken to several parties on the subject, but I cannot find out who is responsible for it. The most ordinary attention to the ventilation of a Committee-room would remove nine-tenths of the inconvenience; but the atmosphere is such, that if any one goes out of the open air into a Committee-room, he will almost start back at the difference between the one and the other. Now, that cannot be necessary; but we have endured it, to my certain knowledge, now for 15 years without any remedy, although the expenditure, probably, of 1,000*l.* would very much lighten the labours of a Committee in that respect.

3301. Be that as it may, you surely do not contend that a sitting of six hours a day would be unduly exhausting, either to counsel or to the Committee?—I speak from some considerable experience; I assure your Lordship that I find four hours of continuous attention to what is going on in a Committee-room about as much as it is fair to exact from an ordinary constitution. There may be some very strong constitutions which would not flinch under a longer exaction, but I think that the majority would.

3302. With regard to the counsel, you say that they are engaged day by day, and that therefore the pressure upon them would be more severe; but would not the ultimate effect of longer sittings be to some extent to distribute the business?—It certainly would distribute the business, because the counsel could not endure it; for there has not been a man eminent at the Parliamentary bar who has not died under it, or very nearly died under it, the pressure being so extreme. Take any leader at the Parliamentary bar; he is up pretty nearly night and day for four or five months, and he must have a most extraordinary constitution, if in 10 or 12 years he is not worn out by that process. It is a labour which no man can understand who is not in it. He is four hours in Committee; he has then half-a-dozen consultations; he has then to read papers till late at night, and he is pulled out of bed by his servants, at three or four o'clock in the morning, to begin to read his papers again; then he has his consultations in the morning, and then he comes into Committee. That is the life of a leader at the Parliamentary bar; and there are very few men who have constitutions to stand it at all.

3303. Might you not say precisely the same thing, *mutatis mutandis*, of the leader of a circuit?—Quite so. If you take a leader at the Common Law bar, or in the Court of Chancery, it is very nearly the same thing; but upon no one of them is there the same pressure, except at the assizes. Any gentleman who goes the circuit may be, perhaps, six weeks upon his circuit (it is very rarely so long as that), and then he has a long interval of quieter practice. But here there are four or five months of continuous pressure, and the only wonder is that any man survives it.

3304. Then I am to take it as your deliberate opinion, founded, as you justly say, upon a very great experience, that the sittings of the Committees could not be protracted beyond four, or, at most, five hours, without unduly exhausting all the parties engaged?—Certainly; that is my opinion.

3305. With regard to the payment of Chairmen, do you not think that there might be as much loss as gain in it; that if there were more men whom payment induced to serve, there would also be men who would serve unpaid, but who would not accept what would then become somewhat of the position of a subordinate paid officer?—If that would be the effect of it, it would be a reason against adopting it. Of course what is desired is, that gentlemen of the greatest talent and willing to serve should be had as the Chairmen of Committees; and if it is thought that attaching payment to such an office would prevent the first men from taking it, it is a reason for not adopting that course; but I should have thought that the office and salary might be so put by the House as to avoid that result.

3306. Mr. *Paull.*] You told the House of Lords Committee in 1858, that you had laid 10 miles of railway at 3.000*l.* a mile; there were no engineering difficulties in that case, I presume?—It was a perfect level.

3307. Where there are no great engineering difficulties, and land is obtained at a moderate cost, and there are no Parliamentary expenses, is it your opinion that railways ought to be made for about that sum?—Yes; you may make railways very reasonably, at 4,000*l.* a mile, if you have not to pay for the land.

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But that which would most facilitate the making of railways would be, that there should be adopted in this country the method which is adopted in Ireland, namely, that there should be a Government officer to value the land instead of putting it to arbitration or to valuers, as is done at present. The land is the great expense in the way of the construction of cheap railways.

3308. But with engineers' expenses, and the general cost of construction included, you think that 4,000 *l.* a mile over an ordinary country is an adequate charge?—Yes. I must call it rather a level country. If you throw out the land, which, taken at the cheapest rate, runs to 1,000 *l.* a mile, you may make the line for 4,000 *l.* a mile; including the land, you may make it for 5,000 *l.* a mile upon a level country, making, of course, a single line. What the country needs, and is calling for in every direction, are those cheap lines which will connect a small town with a small town, and serve as feeders to the great trunk lines of the kingdom.

3309. Does the amount which you have stated include stations?—Yes.

3310. *Chairman.*] I suppose you think that if railways could be made as cheaply as they might be made with regard to all the necessary expenses, they would pay between those small towns?—Yes; I do not think that there is any part of England where you could make a railway for 5,000 *l.* a mile which would not pay.

3311. Mr. *Paull.*] Would that rate per mile include any cuttings or embankments?—Yes, but not very serious ones. These data will enable you to work out the calculation. We calculate that the permanent way, that is to say, the rails, sleepers, and chairs, if you use them, and the ballast of the permanent way, cost 2,000 *l.* a mile. Then if you put on 1,000 *l.* for the land, that is 3,000 *l.*, and you have 2,000 *l.* a mile for works; which works consist of cuttings and embankments, and tunnels and bridges, and all other works. That is about the estimate of the cheapest style of railway.

3312. Mr. *Liddell.*] Am I to understand you to propose that a landowner should be bound to receive a price for his land, fixed by the arbitrary will of a Government inspector, or some person in that character?—Yes, it is done in Ireland now. There is what they call a valuator appointed; whether he is appointed by the Government, or whether he is appointed by the grand jury, I am not quite sure, but a public valuator is appointed, and whenever a railway is authorised within his district he goes down and values the land between the landowner and the railway company.

3313. Is that person bound to take into consideration the injury or the inconvenience caused by a railway crossing a person's property, or has he merely to ascertain the strict value of the property?—He has certainly to take into consideration all the inconvenience and all the damage from severance; everything which would come before a jury he should consider. But we have now such a system of contests upon land that the expenses are frightful. If you appoint a valuer and go to an arbitration, you have the hearing before the arbitrator, perhaps lasting for weeks, with valuers on both sides as witnesses. If you go to a jury you bring a great number of witnesses, and you have also the great expense of counsel, so that the expense of the legal machinery by which the land is got is enormous, irrespectively of the price ultimately paid for the land. In all small cases where you have only 200 *l.* or 300 *l.* to pay it is almost better to pay any price for the land than to have any contest at all, for the lawyer who takes it up with a view to make a contest of it can put you to 500 *l.* expense, and you must pay it.

3314. Is it not necessary to give all landowners safeguards against the inroads of railways?—Clearly; and therefore I never have advocated or would advocate any department being formed to authorise the taking of land compulsorily. I am quite sure that public dissatisfaction would break down any such department in four or five years. Every landowner has a right to say, my land shall not be taken from me unless Parliament thinks it necessary for the public good, and he has a right to come before Parliament and to make his case against it if he objects.

3315. Mr. *Paull.*] Would the officer whom you propose to appoint for the valuation of the land, supersede the necessity of the assessment under the Lands Clauses Consolidation Act?—Yes, in 19 cases out of 20; I think that the rule in Ireland is this: the valuator goes down and hears the parties, and makes his award; it is competent to the landowner or to the railway company to

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to appeal against that award, but they do so at the risk of being saddled with costs. As the law now stands in England, the company are sure to pay the costs in all events, unless they have offered more money than the jury ultimately award. Practically, it rarely happens that companies get costs from landowners, but they always pay them.

3316. Then you think that that part of the Lands Clauses Consolidation Act might be repealed, and an officer appointed to take the place of those assessments?—Certainly, and there is no doubt that the whole country would feel the benefit of it, because landowners now generally desire railways, and it is not the large landowners who oppose the railways; it is little men who have small properties which are passed through; they say, No, I shall not give my consent; then you are obliged to come to Parliament to get the power, and thence ensue the present difficulties.

3317. Mr. *E. P. Bouverie.*] Is that Irish officer appointed under the Irish or English Consolidation Act?—I am not quite sure of the manner in which he is appointed, but that is the nature of his office, and those are his duties.

3318. Is his finding final?—It is not final, it may be appealed against, but it is appealed against at the risk of the parties appealing being saddled with costs, and therefore practically they tell me in Ireland that they have very few appeals, very few questions about land, and that the matter is very fairly decided. The valuator generally takes the agricultural value, with a certain amount of money for severance, and a certain number of years' purchase, greatly in excess of what the land will sell for; but in England we have now got into the habit of being expected to pay 200 *l.* an acre, if the land is only worth 20 *l.*

3319. How many years' purchase do you calculate in estimating the value of land?—Thirty years' purchase is the saleable value of any estate in England.

3320. That is in the ordinary market?—That is in the ordinary market.

3321. For railway purposes, what is the number of years' purchase?—I have never hesitated to give 50 years' purchase upon the rental.

3322. Do you find that parties generally demur to that?—They always demur to it.

3323. Is that so now, to the same extent as it was 10 or 20 years ago?—It is so, excepting the neighbourhood is one which is in want of a railway; and then if you go and get the landowners under agreement before the application is made to Parliament for the railway, you may bring them into an understanding that their land shall be taken at a reasonable price; but if you fail to get the signature before you are involved in Parliamentary application, they are sure to stand back, and say, "No, we would rather wait till the Act is passed;" and when the Act is passed, instead of agreeing with you, they appoint a valuer, and the end of it is that you have to pay something like 200*l.* an acre for the land, and it may not be worth 20 *l.* in itself.

John Fowler, Esq., called in; and Examined.

J. Fowler, Esq.

3324. *Chairman.*] YOU have been concerned as a promoter of railway schemes before Parliament, and also as an engineer in connexion with such schemes?—Yes, I have been very largely engaged for the last 20 years in all Parliamentary proceedings on Private Bills.

3325. Can you suggest to the Committee any improvement which might be made in the procedure upon Private Bills previously to their getting into the House?—I think not. I think that as respects the time of the year at which the necessary steps must be taken for serving notices and for the preparation of plans, it is as convenient as can be desired. For instance, owners and occupiers of property would object to surveyors going upon their ground until the crops had been gathered; and that necessitates the surveys being carried on, say, during the months of September and October; I therefore think that the period for depositing plans, namely, on the 30th of November, is as convenient as can be. I do not think that any improvement can be made in that time. You cannot begin to survey before the time I have mentioned, and therefore I think that the time for the notices and for the deposit of plans is as convenient as can be arranged. Then with regard to the scale of the plan, and other information, I do not think that any improvement can be made in that respect. Of course, when we have works to carry out in Ireland or in parts of England

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where the large scale of the Ordnance Survey has been completed, there is great facility and great saving of cost in it; but I do not think that, upon the whole, there can be any improvement in that particular.

3326. Do you think that the schedule in the notice to landowners is a necessary thing to be retained?—I think that it gives to landowners a definite notice of the way in which their property is intended to be affected; it is not very expensive or troublesome; I do not seek myself, being chiefly an engineer of railways, for its being dispensed with as any important relief, and I think that as regards the landowner, it is an important piece of information, giving him information as to the way in which his property will be affected.

3327. When you have got into Parliament with your Bill, can you suggest anything by which expenses may be saved, without endangering the public interests, or removing the security of private persons?—In the first place, I should very much object, on the part both of promoters and of the public, to any legislative duties being delegated to a department of the Government, or any attempt at preliminary inquiries being made, with a view of removing either trouble or expense from the tribunal to whom the matter must ultimately be referred, because I am quite satisfied from my own experience that no good would come of any such attempt; that it would never be adopted as final, that it would very seldom be acquiesced in, and that it would not be a saving of expense, but would only increase the expense. I think that the tribunal, as at present constituted, is felt by all parties to be free from personal or local feeling, and that Committees now arrive at the true solution of the questions brought before them, excepting when there is a failure of justice from causes for which they are not responsible; I think that in that respect there is the greatest possible confidence felt in Committees; I think that sometimes there is a failure of justice, and that in some details Committees might themselves improve their proceedings. One or two things have occurred to me which I will just mention; one matter is the practice with regard to alternative lines. In this country private parties, and not the Government, are those who initiate lines of railway, and, therefore, there is the greatest possible freedom from all restraint as to the initiation of those lines of railway. But it seems to me that just for that reason there should be the greatest possible care that the best line, on the whole, is selected; and, therefore, instead of there being an indisposition on the part of Committees to allow either competing companies or landowners to bring forward an alternative line to be contrasted with the line brought before them, I should myself recommend that every facility be given for an alternative line being tested, so that the Committee may be quite sure that the public get the best line which can be proposed; and I think it is the more necessary, in consequence of the practice in this country, which I hope will never be altered, that private parties, and not the Government, initiate these lines. Committees vary very much in their practice in this respect. Some Committees permit alternative lines to be brought forward with sufficient detail to enable them to be contrasted with the proposed lines; but other Committees are extremely impatient as to alternative lines, and will not permit anything but what is called a very general view of an alternative line, which general view does not enable the matter to be sufficiently tested. In my own experience I can say that great good has arisen from alternative lines being permitted to be fairly brought before the Committee, and fairly contrasted with the lines proposed by the promoters, and that there has been a failure of justice in cases where an alternative line has not been permitted to be brought fully forward. I think that, in this respect, Committees might make their practice more uniform; and might, by giving greater facility for the testing of alternative lines, obtain practical good to the public.

3328. In what other points of procedure do you think improvement might be made?—I think that excepting matters which the Committees by conference with each other, and by continued experience would be enabled to arrange, I can scarcely suggest anything. For instance, such things as these have occurred to me. Where two *bonâ fide* proposals to make a railway between two points, having the same general features, and almost the same precise ones, are brought before a Committee, it has always occurred to me that very little general evidence need be taken to show the necessity of such a line. I think that that may be taken for granted, and that the Committee may address themselves at once to the best line to be adopted. I think that a good deal of time and money is spent upon a question which is not put in issue by anybody.

body. But that of course is a matter within the Committee's management of their own affairs.

3329. When you say that you would remove nothing from Parliament in connexion with railway schemes, you allude to contested matter?—Certainly.

3330. Do you think that unopposed schemes might be approved and given effect to without the sanction of Parliament at all by compliance with a general Act?—No, I think not. I think that there are questions in which the public are interested, which would necessitate that for reasons of prudence they should be brought before Parliament; questions of rates, for instance, questions of roads, questions of finance, and other matters, which I think should come before some such tribunal as Mr. Massey or Lord Redesdale.

3331. Have we not sufficient experience as to what is necessary in all those cases to introduce clauses into a general Act which would provide all the requisite security?—That might possibly be done, but the time now occupied in passing an unopposed Bill is so extremely trifling, that I cannot conceive that much good would come from withdrawing unopposed Bills from the immediate supervision of Parliament.

3332. There would be a saving of some expense?—It would be a question of the fees of the House, which probably, in the case of unopposed Bills, might be modified. But all my experience leads me strongly to desire that Parliament should, by its Committee or otherwise, keep the control of legislation. I do not think that it can ever be delegated with advantage; and I would rather seek, as a matter of expense, to modify the fees than to remove it from the jurisdiction of Parliament.

3333. Do you mean that you would seek to modify the fees of solicitors and agents?—It would be the fees of the House chiefly, because in unopposed Bills, the business to be done being almost nominal, the principal expense is the fees of the House. I think that about 600 *l.* or 700 *l.* is the smallest cost of an unopposed Bill. That sum might be, with advantage, reduced.

3334. Mr. *Paull.*] Do you know what proportion of that 700 *l.* would be House fees?—I should say certainly not less than half of it. It would vary, of course, with the capital, because the fees are in proportion to the capital; but, on the average, more than half the amount would consist of House fees.

3335. We have distinct evidence that it is not so; that the House fees are not more than 200 *l.*?—That must depend upon the capital of the undertaking, because the fees are regulated according to the capital; but there are certain expenses which must be incurred, whether the Bill is opposed or not, namely, the plans, sections, and notices. That matter cannot be affected by any arrangement as to dealing with the Bill.

3336. Mr. *Liddell.*] In the case of an unopposed Bill, does there appear to be any justice in making the House fee an *ad valorem* fee. If the capital is 1,000,000 *l.*, does the Bill give any more trouble than if the capital is 20,000 *l.*?—Certainly not; and I think that in the case of unopposed Bills the House fees ought to be greatly modified.

3337. *Chairman.*] Do you think that the double inquiry is a good thing?—I do. I think that the questions which are now involved in private legislation are so large that the advantages which belong to public questions by the present mode of legislation, apply practically in the same manner, and for the same reason, to private legislation. Whatever advantage there may be in the constitution of this country as regards all public questions, I think applies to the legislation on private questions, on account of the magnitude of the interests involved in them.

3338. I am not speaking of the double legislation, but merely of the double inquiry. Do you think it necessary to prove the same fact twice over?—Practically it is not done so at great length; the inquiry in the Lords is always very much shortened by reason of the previous inquiry in the Commons.

3339. Do you think that the system would be improved by a treble inquiry into the same facts?—No; I think that the double inquiry is quite sufficient; but I should be decidedly opposed to any attempt, for instance, to lay down a rule such as has been suggested, that if Bills have been rejected by Parliament once, or even twice, they shall not be permitted to be re-introduced. I could give the Committee several instances within my own knowledge in which that rule would have worked very injuriously to the public. At this

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moment I am carrying out a railway between Doncaster and Wakefield, which was before Parliament, I think, four or five times; it was always brought forward, either as an independent line, to be worked by the Great Northern Railway Company, or by the Great Northern Railway Company themselves. When it came before the Committee it was argued that, either by reason of some agreement or some understanding, the Great Northern Railway Company had precluded themselves from proposing such a line; and the Committee in every case rejected it, although it was felt to be a great public necessity, cutting off a distance of seven miles, into the West Riding of Yorkshire. There were no opposing landowners, no residential objections, and no engineering objections; but because the Great Northern Railway Company, who brought forward the line, had done something or said something at some former time, which, in the opinion of Parliament, disentitled them to be the owners of the line, it was rejected. Last year it was brought forward by independent parties and passed, and the line is now being carried out to the public advantage. Now, if there had been any rule that Bills brought into Parliament once or twice and rejected should not be brought forward again, we should have been prevented from carrying out a line for which there is acknowledged to be a great public want. I think that no iron rules can be introduced without great disadvantage.

3340. I do not think that any rule of that kind has been suggested?—I saw such a suggestion somewhere or other lately, and I thought that perhaps it might have been suggested to the Committee, or that it might have occurred to some member of the Committee. Therefore, as the case which I have given to the Committee and one or two others have been personally known to myself as likely to have seriously affected the value of such a suggestion, I thought it proper to mention the case to which I have alluded, because that is a very strong one.

3341. Do you think that the owners of existing lines should be heard before Committees, upon the ground that new schemes would compete with them?—I certainly think that they should be heard. In such cases I should be disposed to recommend that great facility be given to the owners of opposing lines, as to landowners, to show that an alternative line might be better than the one proposed. Of course the proprietors of existing lines may come before a Committee under favourable or unfavourable circumstances. It may be that the existing company have been repeatedly solicited to make a railway through a district similar to that which is proposed to be accommodated by the independent company before the Committee; and it may be that they have continually refused to give any accommodation whatever. Of course, under such circumstances, the existing company would come before the Committee under unfavourable circumstances to oppose the proposal of a new company. On the other hand, it may be that such a suggestion of a want has never been brought forward at all; that the existing company have had no opportunity of knowing that such a line was wanted by the locality; and that the existing company are prepared to show that a better line could be adopted, and are prepared to undertake the working of it. Of course, under such circumstances, the existing company would come before the Committee, *primâ facie*, under favourable circumstances.

3342. We have been told that the engineering points and the estimates are subjects upon which Committees ought not to take evidence; that they cannot very well decide between the evidence of one set of engineers and the evidence of another set of engineers, and that in such matters as those the facts should be found elsewhere, and that the Committee should take them from the report either of a Government engineer or otherwise, who should decide what the facts really were, and supply the Committee with them, so as to save the Committee the trouble and the parties the expense of proving their case in that way; what is your opinion upon that proposal?—There would be a great difficulty in delegating that branch of the inquiry, because it can scarcely be known that any question will arise on the estimates until the parties get before the Committee; and to investigate the cost of every line proposed to be brought before Parliament would be a very onerous task. That is one answer which I would give to the question. In the next place, I am quite sure that the same confidence would not be felt in the inquiry of any department as in the inquiry of a Parliamentary Committee; and I must say that I am sorry to see a growing reluc-

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tance on the part of Committees to investigate estimates. Of course it is not absolutely necessary that they should be investigated with any great minuteness, but I think that it is proper and right that the estimate of a line brought before a Committee should be substantially correct. I think that it is not fair to Parliament or to a Committee that a proposal should be brought forward of a line of railway which would cost, say, 150,000*l.* with an estimate of 100,000*l.* I think that to the extent of ascertaining whether the estimate is substantially correct or not, that matter should be before the Committee; and I am very sorry to see a growing reluctance to go into estimates on the part both of Committees and of counsel.

3343. Is there any suggestion which you have to make for improving the present system beyond what you have already stated?—I think not. It occurs to me that so long as competent Chairmen can be found in sufficient numbers, the present system is as satisfactory as it can possibly be expected to be; and I certainly do not think that any attempt to delegate any legislative power to a department would be otherwise than thoroughly unsatisfactory. Whether it would be possible to use a department of the Government, such as the Board of Trade, to collect facts and save the time of the Committee, might be a subject of fair consideration; possibly it might in some respects be so, but not if it went to the extent of recommendations, or anything affecting legislation.

3344. What sort of facts could they collect, and in what manner?—The late report of Colonel Yolland on metropolitan communications, is an instance of a report of facts. I think that scarcely any opinion is expressed in that report, but certain leading facts are collected together in a convenient form, and that of course will have been useful to Members of Parliament. Possibly that system might be usefully extended under the Board of Trade. The Board of Trade in such a case would be the proper department for such a collection of facts. The reports now made are useful as far as they go, but when those reports take the form of recommendations, I should be very sorry to see them acted upon as legislation. For instance, reports by inspecting officers of the Board of Trade, although entitled to great respect, I think are not always entitled to be acted upon without reconsideration and inquiry. Some inspecting officers, for instance, having particular views as to particular things, and other inspecting officers having different views, I think that if those recommendations are to be included in the reports of the Board of Trade, the Committee should have the power, and it should be considered a part of their duty, to investigate the propriety of those recommendations. I would draw a distinction between the collection of facts and recommendations or anything affecting legislation.

3345. Will you tell us some of the facts which you would have so found for the Committees; of what sort would they be?—The reports now made by the Board of Trade include some of the information with regard to the length of the railways, the cost of the railways, the capital of the railways, and the powers sought; it might possibly be convenient to extend that in some degree, although I do not think that it could be very beneficially extended. The estimates are the only thing that I have heard suggested, but I think that there would be great difficulty with regard to the estimates, unless the estimate of every railway were, in the first instance, examined, which would be a very difficult task. I do not think that, on the average, more than one estimate in twenty is ever questioned; therefore, nineteen-twentieths of the work would be thrown away.

3346. Lord *Stanley*.] Do you not think that there is a growing feeling among Committees that the cost of the undertaking is rather a question for the shareholders, and those who enter into it, than for the general public, whose interests the Committee have to protect. If there is no objection on public grounds, or upon grounds of private injury, to making a line, is it not simply a question with those who undertake to make it, whether that line should be made for 50,000*l.* or for 100,000*l.*?—That is so; but when the discrepancy between the estimate and the fact is very large, I think that it affects other questions; and that is why I stated a short time ago that I was sorry to see a growing reluctance on the part of Committees to inquire into the estimates. I think that it affects the *bona fides* of parties, and I think that it probably affects the consideration which the Committee might give to the value of the line; and it also affects other interests when the discrepancy is very large; but when it is only a question of 10 or even more per cent. as to the accuracy

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of the estimates, I do not think that anybody, except the parties immediately interested, is affected by it.

3347. You do not say that the Committee are indifferent to the question of estimates, when there is a contest between two competing lines?—No; then an inquiry into the estimates of course becomes a very important branch of the consideration.

3348. And in those cases is it not gone into?—It is; but I find that counsel are always extremely reluctant to put questions on estimates, and that it is with the greatest difficulty that engineers or promoters can get questions put on that subject, because the counsel say that Committees discourage it very much; and of course counsel do not like to do things which Committees discourage.

3349. Mr. *Paull.*] Is it a fact that very many projects are now brought forward where contractors undertake to find the means of construction, and to take payment in shares, and then in debentures, when the borrowing powers come into effect?—Yes, I believe that it is.

3350. Are not the estimates in such cases different when cash payments are about to be made, from what they are when payment is to be made in shares or debentures?—Certainly.

3351. That being so, is there any particular use in inquiring into the estimates when the inquiry would relate to the profits which the contractors will make, rather than to the actual cost which the line will occasion?—I think that the inquiry would be a special advantage in those cases, and for this reason, that if it was found that there was no great public want for a line, and no great public support to the undertaking, and that it had been got up almost entirely by contractors and professional men, and that the contractors expected to be paid by valuing their shares, say, at 50 per cent. discount, and that they were to take half or two-thirds, or three-fourths of their payments in shares, I think that that would seriously affect the consideration of the question by the Committee.

3352. It would be beneficial to show that the cost of construction is not actually that which is estimated, but that the mode of payment occasions the charge?—Yes; I think that the Committee should know the fact. I would by no means suggest that no assistance from a contractor should be accepted, but I think that the Committee should know the fact of the extent to which assistance is expected from a contractor, and the price paid for that assistance. I think that, generally, a knowledge of that fact is important for the Committee, and that it would in some measure weigh in their decision.

3353. Where land is obtained gratis, and where heavy Parliamentary costs are not incurred, and where no great engineering difficulties occur, what is the cost per mile of a single line of railway?—The best answer which I can give to that question is, a statement of what I have personally done in Ireland. I have carried out about 100 miles of railway over the plains of Mayo and Roscommon, which are very favourable for railway construction; and the cost of that work, including all Parliamentary, and legal, and engineering expenses, and including very substantial and very commodious stations, is 6,000 *l.* per mile.

3354. Are there cuttings and embankments?—Yes.

3355. Are there viaducts?—No, but a few bridges over rivers.

3356. As well as over roads?—Yes; but, generally, it is a favourable country.

3357. Does that include the purchase of land?—Yes, everything.

3358. Can you tell us what deduction from that amount would be made per mile, supposing the land to have been given?—About 900 *l.* to 1,000 *l.* a mile. You may take it at 1,000 *l.* a mile.

3359. So that I may take it that all expenses being paid, where land is obtained gratis, 5,000 *l.* per mile is a fair calculation?—Yes, and in some extremely favourable circumstances it may be reduced to, I think, 4,000 *l.*, or even 3,500 *l.* It was my business last year to investigate in Connemara a proposal for a railway of the lightest or cheapest character, and applying my experience in the other case, and taking into consideration the fact that in this case the land was given, I came to the conclusion, and estimated that the line could be made for 3,500 *l.* a mile for works, and for, of course, very small stations, and not including land. No doubt the work could have been carried out for that estimate, but it was exceptional and light in every respect, and with a perfect freedom from bridges over rivers or roads; but I have never cut

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out any length of railway at a less cost, including land, than 6,000*l.* a mile; but that is doing the work extremely well and substantially, and having no timber bridges of any kind. *J. Fowler*, Esq. 30 April 1863.

3360. Does that include any cuttings through rock?—Yes.

3361. What sort of stone?—Carboniferous or mountain lime-stone, of which a great part of Ireland is composed.

Lunæ, 1° *die Junii*, 1863.

MEMBERS PRESENT:

Mr. E. P. Bouverie.
Mr. Milner Gibson.
Mr. R. Hodgson.
Mr. Liddell.
Mr. Massey.
Colonel Wilson Patten.
Mr. Paull.
Mr. Puller.
Lord Stanley.
Mr. Walpole.
Mr. Whalley.

THE RIGHT HON. THOMAS MILNER GIBSON, IN THE CHAIR.

Joseph Gurney, Esq., called in; and Examined.

3362. Mr. *R. Hodgson.*] YOU have the Shorthand Writing Department of the House entirely under your control?—I have, as the Shorthand writer of the House. *J. Gurney*, Esq. 1 June 1863

3363. Will you state the mode of your appointment?—I was appointed by the Chief Clerk of the House.

3364. Will you state the terms of your appointment, that is to say, what are the duties which you are employed to perform, and what is the remuneration which you receive for the performance of those duties?—The terms of my appointment (as they appear on the Journals of the House, 13th May 1813, at the time of my father's appointment) are, to attend, by myself or sufficient deputy, to take notes at the Bar of the House, or in Committees of the same.

3365. Is your appointment for any specified time; is it sessional, or is it during pleasure?—During good behaviour, in the same way as with regard to all the other officers of the House.

3366. Mr. *E. P. Bouverie.*] Is the appointment in writing?—It is.

3367. Mr. *R. Hodgson.*] You succeeded your father?—I succeeded my father, in 1851.

3368. By appointment from the Chief Clerk?—Yes.

3369. Will you state the daily fees which you receive for attendance upon each Committee by yourself or deputy?—Two guineas for attendance, and 9 *d.* per folio of 72 words for the transcript of the evidence; it was reduced in 1851 from 1 *s.* per folio to 9 *d.*

3370. Are there any conditions, as to time, and as to the mode of performance, under which you transcribe the notes and furnish the transcript to the House?—In the case of Committees on Private Bills the whole of the evidence taken in the day has to be transcribed in sufficient time to enable copies to be made of it for the use of the parties before the Committee the next morning; in fact the transcript must be finished before the shorthand writer goes to bed at night.

3371. Will you be good enough to describe the mode in which the duty is performed; does your deputy transcribe his own notes?—It is done in various modes, according to circumstances. The most efficient mode is, that the shorthand writer should have two clerks who can read his shorthand; and the trans-

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cript of the notes is written from their dictation by quick writers. That is the mode of doing the work which we have always found the best, and which we are anxious, as far as possible, to adopt throughout our office.

3372. I wish to know what is done?—In our own establishment every shorthand writer has at least one clerk who can read his shorthand; when he has not more than one who can do so, he is obliged to have the assistance of other clerks to take down his notes from his dictation.

3373. You have a permanent staff of shorthand writers, have you not?—Yes.

3374. What is the number of that staff?—At present, ten.

3375. How many shorthand writers attend one Committee in a day; one shorthand writer, or more?—The general rule is for only one shorthand writer to attend a Committee in the day; and this is adhered to as far as possible; I may say invariably, in the case of Public Committees: but in the case of Committees on Private Bills, as the minutes must be all transcribed the same night, it is sometimes necessary when the examinations go on without intermission from twelve to four o'clock, and sometimes even from eleven o'clock to four, to divide the day.

3376. When twelve or fourteen Committees are sitting on the same day, how do you manage?—We employ other shorthand writers besides those on our own staff.

3377. If you can effect it you have two copying clerks for each shorthand writer?—Two clerks who can read his shorthand; that is what we think desirable, and try to provide; that is as regards our own staff.

3378. Do you impose any obligation upon the shorthand writer to find those clerks, or do you find them yourselves?—We find them ourselves.

3379. But it is not universally carried out?—No, it is not always possible to do it. It takes a long time to train an efficient shorthand reader. A shorthand clerk will require several years before he will be able to copy the shorthand writer's notes. And the same remark applies still more strongly to training a good shorthand writer.

3380. Mr. *E. P. Bouverie.*] Do your writers all write the same system of shorthand?—All those in our own office do.

3381. Mr. *R. Hodgson.*] The whole of your fees are comprised in the daily fee of two guineas for attendance, and 9 *d.* per folio of 72 words of evidence taken?—Yes.

3382. Can you hand in to the Committee a statement of the amount of fees received by you in each of the last three years for the Committees on Private Bills, distinguishing the daily fees for attendance from the fees for the transcripts of evidence?—In the year 1860, the total was 4,899*l.* 18*s.* 9*d.*, which was composed of 1,329*l.* 6*s.* for the attendance fees, and 3,570*l.* 12*s.* 9*d.* for the transcripts of evidence. In 1861, the amount was 6,697*l.* 9*s.*, composed of 1,713*l.* 12*s.* for attendance fees, and 4,973*l.* 17*s.* for transcripts of evidence. In 1862, the amount was 6,667*l.* 7*s.* 5*d.*, consisting of 1,682*l.* for attendance fees, and 4,985*l.* 5*s.* 5*d.* for transcripts of evidence. I may state that the amount fluctuates very much in different years, and that the last three years are the largest that we have had since 1848. In some years the amount has been very considerably less. For example, in 1855, the total was 3,055*l.* 4*s.* 1*d.*, composed of 974*l.* 14*s.* for attendance fees, and 2,080*l.* 10*s.* for transcripts of evidence; and in 1856, the total was 2,672*l.* 18*s.* 6*d.*, composed of 849*l.* for attendance fees, and 1,823*l.* 8*s.* 6*d.* for transcripts of evidence.

3383. Are you appointed for the House of Lords also?—Yes.

3384. Under the same conditions, and upon the same system?—Exactly the same.

3385. Does your permanent staff of ten shorthand writers answer for the House of Lords as well as for the House of Commons?—Yes. We have generally found that when there has been a great pressure of Committee business in the one House, there has not been in the other. The chief pressure of work in the House of Lords is generally after it is over in the House of Commons. I may add, that the circumstance of the same shorthand-writing staff attending the Committees of both Houses, greatly facilitates the providing an adequate and efficient staff for the purpose, by giving them more continuous and lengthened employment than they could have otherwise.

3386. Can you state the number of extra shorthand writers that you are sometimes

sometimes obliged to employ in both Houses?—I should say about eight or ten at the utmost.

3387. Does the shorthand writer transcribe his own notes, or are they copied by shorthand clerks?—Our mode of transcribing the notes is rather by writing from dictation than by copying; the clerk who reads the shorthand does not copy himself, but dictates to one or two quick writers; and when the shorthand writer does it himself, he does it in the same way.

3388. Is the shorthand writer obliged to verify the transcript?—He is obliged to verify every word.

3389. Therefore his attendance is almost continuous until the transcript is complete?—Quite continuous; it is an absolute rule with us, that not a line shall be sent out which has not been verified by the shorthand writer.

3390. Will you inform the Committee what is the daily remuneration which the shorthand writers receive?—That depends upon whether they are those on our own staff, or those outside our own staff. To those on our own staff we pay a guinea for attendance.

3391. Does that include the part which they take in the transcription of the notes?—Not at all; they are paid by the folio also for the notes.

3392. Are the shorthand writers who are employed in these rooms paid by the folio, in addition to the guinea for the daily attendance?—Yes. As regards those on our own staff, we pay, first the shorthand writer himself, and then the transcriber; because in that case the work is all done within our own premises, and by our own establishment; to the shorthand writer himself we pay 2½ *d.* per folio for his part of the work in taking the notes and revising the transcript; and for the transcribing of the notes we pay another 2½ *d.* per folio.

3393. That is 5 *d.* per folio?—Yes; but, besides that, some of the shorthand readers or copiers receive extra payments in the form of gratuities in consideration of long service. There are also other expenses. Each shorthand writer has the assistance of a reader who reads over the transcript to him while he compares it with his notes, and who marks in pencil any corrections which may be required, which are afterwards made by other clerks. Then, as to the shorthand writers who are not on our own staff, we pay them a guinea and a half as the attendance fee, and 7 *d.* per folio for the transcript.

3394. They are more expensive in both ways than those on your permanent staff?—They are.

3395. Then out of the daily attendance fee of two guineas you pay a guinea to the shorthand writers on your permanent staff, and a guinea and a half to those who are extra?—Yes.

3396. And for the transcribing of the notes you pay 5 *d.* per folio in the one case, and 7 *d.* in the other?—Yes, with the additions I have mentioned. But, besides those payments, there are the expenses of the establishment required for the management of all the details, and the keeping of all the accounts, both for our charges and our payments, &c. For those duties two accountants and two or three senior clerks are required, and a messenger, or sometimes two. The amount of those expenses is about 1,300 *l.* a year. And to this is to be added rent of offices, fuel, lighting, servants, necessary refreshments during the evening (tea and supper for about fifty), and other expenses connected with the execution of the work, amounting to about 1,000 *l.* yearly; besides interest of money, as we make our payments for the most part weekly.

3397. Mr. *Whalley.*] What happens if you have not sufficient occupation for the persons who are on your permanent staff; do you pay them anything apart from the work which they do?—Not as a general rule; that is to say, our whole system of payment is, as far as possible, for actual work done.

3398. They merely have the preference when you have work?—Not exactly so; because, whether there is much work or little, our establishment must be maintained, even though the work of the Session should happen to fall very short. Perhaps I may be allowed to point out one or two peculiarities in the shorthand-writing duty of the House. I refer particularly to two things: its extreme pressure while it lasts, and at the same time its great uncertainty and precariousness. As to the pressure, I may state that the shorthand writer's work in the Committee-room is only the beginning of his day's work; the whole evening afterwards, generally up to midnight, and often later, is spent in severe application, in order to finish his work as soon as possible. And so, in every department of our work, the pressure and strain upon us is such as can hardly

J. Gurney, Esq.

1 June 1863.

be conceived by a person who has not seen it. As to the precariousness of the work, that is shown in some measure by the figures I have given. Our work lasts generally about five months, sometimes only four, and in one recent Session, in 1857, we had only three months' actual work; and those three months' work formed our whole dependence for the year, with the exception of some Government employment, which is very uncertain in its occurrence. These circumstances greatly increase our difficulty in providing and maintaining an adequate staff, which it is most important to keep up, especially for the Public Committees, which require highly qualified and efficient shorthand writers.

3399. Mr. *Liddell.*] You have stated that all your own staff report by means of the same system of shorthand writing?—All the shorthand writers in our own establishment write the same system of shorthand.

3400. Do you teach that system in your establishment; do you train up persons to succeed others as vacancies may occur?—Yes; but only for our own establishment; we do not teach it to other persons.

3401. You keep up a supply of shorthand writers in your own establishment to succeed as vacancies may take place?—Certainly.

3402. That would be necessary in order to carry out your system?—Quite necessary.

3403. Mr. *Whalley.*] I suppose that your business extends to taking shorthand notes of proceedings in other courts?—Occasionally; but to a very small extent of late years.

3404. Is there any such pressure found in any other department of the duties of a shorthand writer as there is in the Court of Parliament?—Certainly not.

3405. There is nothing like it?—No.

3406. Therefore the work in Parliament is more costly?—Decidedly more costly; the extreme pressure for expedition considerably increases the expense of transcribing the notes; and it often obliges the shorthand writer to attend a Committee for only half a day, when, if he had a little more time for the transcription of his notes he would take the whole day; he thus loses half the attendance fee and half the payment for the folios.

3407. Can you state how much more costly shorthand notes of proceedings in Parliament are than shorthand notes of proceedings of a general nature in other courts?—It is almost impossible to state that exactly, because it must depend upon circumstances.

3408. The cost in Parliament, I suppose, is not double what it is elsewhere?—Certainly not.

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APPENDIX.

Appendix, No. 1.

LETTER from Mr. Speaker to Mr. *Arthur Jones.* Appendix, No. 1.

Sir, 4 August 1862.

THE whole subject of the expenses incident to the passage of Private Bills through the House of Commons will have to be considered at the commencement of the next Session.

I will thank you to give your careful consideration to the subject during the recess, and to prepare a Report upon it to be made at the meeting of Parliament next year.

I invite your attention to the principle of charging fees on a graduated scale according to the capital involved.

Query. Would the fees be made less on *bonâ fide* opponents of bills, landowners, &c.?

Does it appear to you, that without any material loss to the fund, fees might be more equitably distributed?

These and other points that may occur to you after reading the Report of the Committee which has been sitting on the Standing Orders Revision, I submit to your consideration.

I am, &c.

A. Jones, Esq. (signed) *J. Evelyn Denison.*

OBSERVATIONS upon the FEES as charged at the HOUSE of COMMONS, suggested by the SPEAKER'S LETTER.

THE principle upon which the bulk of the fees are assessed appears to me to be unobjectionable. They are charged upon the several stages of a Bill in its progress through the House, according to the money importance of the measure seeking Parliamentary sanction. And it is an advantage that the principle upon which they are charged is clear, and perfectly understood by all the Parliamentary Agents. If the present scale be considered too high it can be lowered, or if too low it can be raised without affecting the principle. The bulk of the fees are charged as under:

£.15 upon the 1st Reading of a Bill.
£.15 „ 2d - - ditto.
£.15 „ Report from the Committee.
£.15 „ 3d Reading.

And these stage fees are doubled in case the money to be raised by the Bill be 50,000 *l.* and under 100,000 *l.*, and trebled if 100,000 *l.* and under 150,000 *l.* And at a fixed rate of increase "according to the money to be raised or expended under the authority of any Bill *for the execution of a work* in conformity with the scale of fees."

I beg, by the way, to suggest that the words "for the execution of a work" be omitted; for several Bills have escaped payment of their due share of the fees on the ground that the money was raised and expended, *but* not for the execution of work.

The class of Bills alluded to are for the purchase and sale of land, drainage, capital raised by insurance offices, &c., which Bills are as fairly assessable upon their capital as any other class of Bills.

Assuming that the House should be of opinion that the fees charged and received are in excess of the requirements, it would assist in the construction of an amended Table of Fees, if an intimation were given of the proportion which it is considered the fees ought to bear towards the expenses of the House of Commons establishment, or to what extent shall the establishment be self-supporting. It is a question of relative proportion: and if the proportion were determined upon, the existing scale could, as already stated, be lowered to meet the case without affecting the principle upon which the fees are charged, which, I submit, is a correct one.

Appendix, No. 1.

In anticipation that some change in the charge of fees may take place, I have selected, for the purpose of an average, three years, viz. 1854, 1858, and 1862, and have applied to the actual Bills before the House during these Sessions a reduced rate of charge, charging the stage fee 10*l.* instead of 15*l.*, as directed by the Table of Fees; and the reduction in the amount of the fees under this assumed modified scale of charge (and consequent loss to the Fee Fund) would be as under:—

In 1854 - - - loss, 10,855*l.*, on 61,251*l.* 1*s.*, total amount of fees received.
In 1858 - - - loss, 6,700*l.*, on 41,101*l.* 18*s.* 2*d.* - - - ditto.
In 1862 - - - loss, 12,125*l.*, on 68,369*l.* 2*s.* 10*d.* - - ditto.

I have in like manner selected the same years, viz. 1854, 1858, and 1862, and have applied the stage fee only of 15*l.* (and not the *ad valorem* or increasing charge, as authorised by the Table of Fees) to all the Bills actually before the House, and I find that if the fees during these Sessions had been charged as a *one*-fee Bill only, the loss to the Fee Fund would have been—

In 1854 - - - - - - 16,260*l.*, on 61,251*l.* 1*s.*, total amount of fees received;
In 1858 - - - - - - 9,875*l.*, on 41,101*l.* 18*s.* 2*d.* - - ditto;
In 1862 - - - - - - 22,255*l.*, on 68,369*l.* 2*s.* 10*d.* - - ditto;

as contrasted with the sums actually received.

If the Promoters of a Bill appear by counsel before any Committee, the sitting charge is 10*l.*, and if they appear without counsel the charge is only 5*l.* I submit that no difference in the charge ought to be made, whether the Promoters appear before the Committee by their agents or by their counsel, and I suggest that the charge should be an uniform charge of 5*l.* in both cases. I estimate the loss to the Fee Fund in Session 1862, if this reduction had been made, at 2,820*l.*

£. 2,820

And with respect to the Opponents to Private Bills, "for every day on which the petitioners appear by counsel before any Committee a charge is made of 5*l.*; and if they appear without counsel the charge is 3*l.*" I suggest an uniform charge of 3*l.* in both cases. I estimate the loss to the Fee Fund in 1862, if this reduction had been made, at 3,774*l.*

3,774

It would, in my opinion, be an improvement to the Table of Fees if the 1*l.* fee charged under the head of General Fees, "on every Motion, Order, or Proceeding in the House upon a Private Bill Petition, or matter not otherwise charged," were to be abolished.

Under this head a charge of 1*l.* is made against the Promoters of a Bill for every Petition *in favour of a Bill*, for a "Report" from the Standing Order Committee, for the Report on Petition for additional provision, and other incidental matters, all which I submit ought to be covered by the stage fee on the Bill. I estimate the loss to the Fee Fund in 1862 at 1,155*l.*, by the abolition of the charge.

1,155

A charge of 1*s.* per mile is made "For riding charges, if on any Private Bill or matter." This charge relates to messengers' journies to serve Orders of the House for the attendance of witnesses. The charge was not too high under the old coach system of travelling, but the great facilities afforded by railways suggest the reduction of this charge to 6*d.* per mile only. The loss to the Fee Fund by this reduction would be inconsiderable.

It has hitherto been the practice to include in the Annual Estimates 200*l.* as the probable amount of fees to be incurred upon each Bill for continuing or amending Acts relating to Turnpike Roads which shall pass the two Houses of Parliament and receive the Royal Assent; 100*l.* is taken for each Bill in the House of Commons, and 100*l.* for each Bill in the House of Lords. Resolution of the House of Commons in 1829, directs that the fees incurred upon the renewal of Turnpike Road Acts be paid by the Treasury; and in the case of the House of Commons, an account is rendered to the Treasury, at the end of each Session, of the fees so incurred. This amount is paid by the Treasury to the account of the Commissioners for regulating the Offices of the House of Commons, and from that account it is taken over to the Consolidated Fund. Practically, the money is drawn from the Consolidated Fund, and paid back again. It is a work of supererogation. I suggest that no Vote be taken for fees incurred by the Treasury on the renewal of Turnpike Road Acts, on the one hand, and, on the other, that no payment be made by the Treasury in respect of House of Commons Fees. These fees, in Session 1862, were 1,522*l.*

1,522

(signed) *Arthur Jones.*

Fees Office, House of Commons,
24 February 1863.

£. 9,271 Total loss to the Fee Fund by reduction on Oppositions, Orders, and Turnpike Road Bills, in Session 1862, upon the suggested modified scale of charge.

Appendix, No. 2.

PAPER delivered in by Mr. *Booth*, 12 March 1863. Appendix, No. 2.

OUTLINE of a BILL for giving Facilities for making NEW LINES of RAILWAY, and for sanctioning WORKING ARRANGEMENTS, and OTHER OBJECTS connected with Railway Undertakings.

I.—NEW LINES OF RAILWAY.

THE proposed Act would provide that any new Company, or any existing Company, upon compliance, to the satisfaction of the Board of Trade (or some other department), with certain preliminary conditions to be prescribed in the Act, may, where not less than three-fourths of the landowners are assenting, apply to the Board of Trade to be allowed to make any new line of railway or railway works, and to take the necessary lands for the purpose; the sanction of the Board of Trade to be signified by publication of their certificate in the Gazette; but such certificate not to be issued if the work be objected to by any landowners having lands, or by any municipal authorities, or other persons having the control of any public works proposed to be interfered with.

The preliminary conditions would be very similar to the requirements of the Standing Orders in the case of a Railway Bill, viz.:

Assent of shareholders, if promoted by an existing Company.

Plans to be deposited, and notices given, and security to be taken for completion of the line.

Power to the Board of Trade to sanction alteration of line as originally proposed, so as to meet objections of landowners, &c.; fresh notices, &c. being given of the deviated line.

Upon publication in the Gazette of a certificate by the Board of Trade that the preliminary conditions have been complied with to their satisfaction, and that no landowners or persons having control of public works have lodged any objection, the Company to be deemed to be incorporated (if not already incorporated), and to be allowed to construct the line according to a scheme to be set forth in the certificate, subject to the provisions of the Companies Clauses, Lands Clauses, and Railways Clauses Acts, as now proposed to be amended.

The scheme would set out the line by reference to the deposited plans and sections, as is now the practice in Railway Bills; the tolls to be taken, not exceeding those limited in the proposed Act; the level crossings to be allowed, and departures from prescribed ascents of roads, height and width of bridges, &c.

Before issuing their certificate the Board of Trade to cause public notice to be given by the parties, in a manner to be approved of by the Board, in the local papers, fixing a day on or before which objections are to be made by landowners, &c., accompanied by a declaration that they intend to oppose the making of such lines in Parliament; the Board having a discretion to enlarge the time for lodging objections if it see fit.

When any such objections are lodged, the Board of Trade to be empowered to issue a provisional certificate that the preliminaries have been complied with, and containing the scheme proposed to be submitted to Parliament; but the company to have no power to make the line unless either the objections be withdrawn (in which event the certificate may be published in the Gazette), or an Act be passed sanctioning the scheme set forth in the certificate.

A public Bill or Bills to be brought in to confirm the several opposed schemes approved of by the department unless withdrawn by the promoters.

Petitions of opposing parties to be presented within a time to be limited, suppose 14 days, after the first reading of the Bill, or the opposition to be deemed to be withdrawn.

Appendix, No. 2.

On second reading, the Bill to be referred to a Select Committee, as Private Railway Bills are referred.

When so before the Committee each scheme to be dealt with as a distinct Private Bill, but to be exempt from the ordinary Standing Orders; the Committee being empowered to strike a scheme out of the schedule, or to modify it, in any case in which the opposing petitioners show sufficient cause for so doing. The opposing petitioners to be confined to showing that the special injury which would be sustained by them in consequence of the proposed interference with their lands or the public works under their charge would be such that it ought not to be sanctioned by Parliament.

The Committee to have power, in any case, to divide the Bill into two or more Bills.

II.—WORKING ARRANGEMENTS AND OTHER OBJECTS.

The Act would also define the conditions on which Railway Companies, with the sanction of the department, might accomplish the following objects:—

1. Enter into mutual agreements for the working or use of their respective lines.
2. Obtain extension of time for the sale of superfluous lands.
3. Make new capital arrangements, such as raising further capital with preferential dividends for completion of existing lines or for additional works. Subscriptions to other companies and guarantees. Arrangements as to cancelled shares.
4. Obtain power to make level crossings.
5. Obtain power to alter roads and to vary the dimensions of bridges with the assent of the parties having the control thereof.
6. Amalgamation, sale, or lease of railway undertakings.
7. Obtain power to purchase by agreement harbours, docks, or piers, or to work steamboats.

Nos. 6 and 7 to be sanctioned by provisional order, subject to confirmation by Parliament.

The conditions on which these objects would be allowed to be sanctioned by a department would be much the same as those which Parliament has been in the habit of imposing when the objects have been sanctioned by private Acts. They would have in view especially to ensure the previous assent of given proportions of the shareholders of the companies in special meeting, and to save the interests of all who are not parties to the arrangements.

Appendix, No. 3.

PAPER delivered in by Mr. *Rickards*. Appendix, No. 3.

RAILWAY BILL LEGISLATION.

Expensiveness of the Present System.

The excessive costliness complained of in regard to the system of Private Bill Legislation admits of some alleviation, by adopting certain retrenchments in detail; but the great and main causes of expense are inherent in the nature and circumstances of the tribunal, and as long as the present mode of dealing with Private Bills is continued, the cost cannot be materially reduced.

The expenses attending the daily sittings of Committees on Private Bills are notoriously very great. The fees paid to counsel, the charges of agents and solicitors, the fees paid to the Houses of Parliament, the expenses of engineering and other witnesses, the short-hand writers' notes, and the maps, plans and documents produced, constitute in some cases an enormous, in all a considerable, daily outlay.

These expenses are the greater, on account of two circumstances peculiar to these inquiries:

1. The shortness of the daily sittings.

2. The large number of Committees sitting at the same time, which is itself a consequence of each year's private legislation being compressed within about one-third part of the year.

1. Taking into account the time lost at the commencement and close of each day's sitting, it may be computed that a full day in a Committee does not generally exceed 3½ hours. As Committees seldom sit on Saturdays, a week's sittings would not exceed 18 hours; equal to scarcely three days' work in one of the Courts of Law or Equity; there can be little doubt, moreover, that two sittings of 3½ hours each are not, for the efficient despatch of business, equivalent to one sitting of double that time.

A counsel's speech in Committee has frequently extended through two, sometimes three sittings; in a court of law a counsel's speech, if once commenced, is usually heard out at the same sitting, the court sitting longer, if necessary, for that purpose. It is obvious how much the breaking off a speech by adjournment must tend to increase prolixity.

The inexperience of the tribunal in judicial inquiries, and in the art of confining counsel to the strict issue, and restraining redundant evidence, naturally tends to the same result. The consequence is, that the proceedings upon a Private Bill are often extended over many days, and sometimes weeks, in cases which a practised tribunal, sitting day by day, and working full time, with a view to expedite business, would dispose of in one-fourth, or probably even a less proportion, of the time. The heaviest cases that occupy the courts of law, those in which the witnesses are very numerous, and a full summing up of the evidence is superadded, never approach in prolixity to the great Private Bill contests in Parliament.

All this time, counsel, agents, solicitors, and short-hand writers are earning their daily profits; the House fees are going on; the witnesses are being maintained at great expense; it is the long and slow progress of these suits, therefore, which causes the costs to mount up with alarming rapidity.

2. The concentration of all the Private Bill legislation within a few months is another cause operating in the same direction. Practically, it may be said that all the inquiries are got through between the beginning of March and the end of June, four months, from which must be deducted two or three weeks for Easter and Whitsuntide.

When numerous Committees—eight, ten, or more—are sitting at the same time, there is a scramble for counsel; in order to secure some on whom reliance is placed, several more than would be otherwise needed are retained; several are paid fees, though they cannot, and do not, render service. Much waste of expense, and some scandal, are the consequence, but as things are now managed the parties can hardly be blamed for what they do.

Appendix, No. 3.

How Expenses under the present System can be Reduced.

House Fees.—Some reduction in this head of charge would probably be found upon inquiry to be justifiable. At present the Fee Fund, taking an average of 10 years, pays within about 5,000 *l.* of the whole expenses of the House of Commons Establishment, including the Salaries of the Speaker, Serjeant-at-Arms, Clerks of the Table, &c., although a large part of the services of the official staff would appear properly chargeable, under the head of Public Business, to the revenue of the country.

That portion of the Table of Fees which is charged on the *ad valorem* principle on an ascending scale, according to the amount of money raised under the Bill, appears to afford special ground for reduction. Though the *ad valorem* principle may not be unfair in itself, it operates according to the present scale, with undue severity. Thus the House of Commons Fees on the Petition, the first, second, and Third Reading and Report of an unopposed Bill for raising 750,000 *l.* for a Railway would amount to 520 *l.*, exclusive of the various other Fees in the Table.

Professional Charges.

1. *Counsel's Fees.*—It would probably be beyond the power of Parliament to effect any direct reduction in the fees of counsel so long as the peculiar position of the Parliamentary Bar makes the services of the leading members of it an object of competition—the demand at certain times exceeding the supply; and so long as the rule of professional etiquette is maintained, which requires an equal minimum fee of ten guineas a day and five guineas for a consultation, to be paid to every counsel employed. The remuneration of counsel engaged in Private Bills might be reduced *indirectly* by lengthening the day's work, but probably could not be interfered with directly, so long as parties find it their interest to pay, and counsel expect to receive the present rate of fees.

2. *Charges of Agents and Solicitors.*—The bulk of the Parliamentary agency business is transacted by a few leading firms. Their charges, it is believed, are usually made on an uniform scale, founded on the standard which is known to be adopted by the Taxing Officer of the House of Commons; and according to the evidence of that officer before the House of Lords in 1858, they are generally fair and reasonable. Though subject to taxation, they are in very few cases taxed, the parties not applying for it.

The charges of solicitors are of a more miscellaneous and diversified character, including, as they do, all the business transacted, other than what is done by the Parliamentary agent, in the progress of a Bill from its commencement. Their bills are subject to taxation by the Taxing Officer of the House, in case the parties who are their clients require it. But the cases in which this mode of taxation is resorted to form but a very small percentage of the whole. It was at one time suggested that taxation should be compulsory in all cases, but it is difficult to see how such a rule, if laid down, could be preserved from evasion. If the client is willing to pay the bill untaxed, interference by authority of Parliament between him and his solicitor would be unavailing. Where the clients are mostly directors of companies, dealing with funds not their own, it is not likely that they will adopt extreme measures towards their professional advisers.

There is one item in the charges of a solicitor for a Private Bill which sometimes forms a very heavy element in his bill. It is the charge for supplying copies of the short-hand writer's transcript of the evidence given before Committees. A copy of the notes of the preceding day's evidence is usually delivered daily to each of the counsel retained, as well as one to the Committee, and another kept for the use of the agent. Five, six, and more copies of these bulky manuscripts, charged at the rate of 8 *d.* per folio of 72 words, form a heavy item in the costs of each day's proceedings. Mr. May, who was for some time a taxing officer of the House of Commons, stated to a Committee of the House of Lords in 1858, that he had known these copies of evidence amount, in some cases, to as much as 130 *l.* a day. The utility of providing so many copies of a document which is only required for occasional reference, may be questioned. It is, however, one of the most lucrative items to the solicitor, who supplies it at a cost to himself of about 2 *d.* a folio. The charge is justified by those who make it, on the ground that it compensates for other work done by them, which is either underpaid or not charged for, and thus squares the remuneration with services which, if this were disallowed, would be inadequately paid. Even if this be so, the soundness of a system of charges, of which some are confessedly too high, in order to compensate for others which are too low, may be questioned. The true principle would appear to be, that every portion of the business done should be remunerated at its fair rate. But the argument is one which might equally be set up, and would be equally difficult to meet, if the charge were twice as great as it is: the assertion as to the value of the solicitor's unremunerated labour is one which it is impossible to test, but which, if taken on trust, would justify any claim whatever.

To limit the number of copies of evidence to be allowed on taxation, and the rate of payment for them, would be an easy matter, the Speaker giving the requisite authority.

Shortening the Stages of Unopposed Bills.

A further saving may be effected in the expense of Unopposed Bills, at least, by dispensing with some proceedings which are practically unnecessary. If a Bill, commencing in the House of Lords, and passing that House unopposed, comes down to the Commons, and has no petition presented against it there within the time limited (seven days after the second reading), it appears superfluous that it should be referred, as is now done, to the Committee of the Chairman of Ways and Means. The passing of such a Bill through that Committee, unless amendments are to be proposed in it by the Promoters, is a mere form, but one which is expensive to the parties, and a needless trouble to the Committee and to the House. If amendments are required on the part of the Promoters, they might be made in the House on the third reading; or if of such a nature as to require the consideration of a Committee, those cases, which would be exceptional, might be sent to the Committee, as at present, upon the Chairman of Ways and Means reporting to the House that it was expedient so to do.

As the House would be saved two stages of these Bills if this proposition were adopted, viz., Report and Consideration of Report, some relaxation of the Order which confines amendments on third reading to verbal amendments would probably be deemed reasonable.

By allowing this class of Bills to pass from second reading to third reading, after a proper interval, without being committed, a considerable saving would result to the Promoters. The House fees on the Committal, Report, and Consideration, the agents' attendances at the several stages, and the cost of witnesses before the Committee, would be spared. The time of the Chairman and his Committee, and the time of the House, would be economised, and there would not be the same pressure to get the Bills through their stages within the time limited which is now felt, and which produces numerous motions in the House towards the end of each Session for over-riding the Standing Orders. The form of a new Standing Order for carrying the above proposition into effect has been prepared, and submitted to the Chairman of Ways and Means, in case it should be thought advisable to adopt it.

Referring to what has occurred in the last two years in respect of Bills which have orginated in the Upper House, it is estimated that 15 to 20 Bills annually would come within the category of Bills beginning in the Lords, and unopposed in both Houses, upon which the proposed Order would operate.

The economy thus aimed at would, of course, be much more considerable in case the House of Lords should agree to adopt the same practice reciprocally with Bills which have passed the House of Commons unopposed, and which are not petitioned against in the Lords. The number of this class is necessarily much larger than of the former, since the whole number of Bills commencing in the Commons, and consequently of those which pass through that House unopposed, is very much greater than of Bills which commence in the other House. The peculiar supervision over Bills exercised by the Noble Chairman of Committees in the House of Lords would seem to render it less necessary to maintain the form of a Committee in that House in the case of Bills wholly unopposed in both Houses. It appears just and expedient on every account to make the passing of such Bills as simple and inexpensive as may be. The necessity of subjecting them to so many stages and forms of proceeding in both branches of the Legislature is at once troublesome to Parliament and burthensome to the suitors.

The above suggestions for diminishing the expenses of Private Legislation under the present system, though not insignificant, inasmuch as every saving in a very expensive procedure is material, are not offered under the idea that they would obviate the objections now made to the costliness of the system. That costliness arises, as above stated, from the nature and conditions of the Parliamentary tribunal, and so long as that is unchanged, the evil, though it may be alleviated in some degree, admits of but little abatement. No modification of the system can make an inquiry before a Committee of the House of Commons, the Members of which have other important claims upon their time, otherwise than expensive. The necessity of the case, as regards the attendance of Members, concurs with the interest of professional persons to make these inquiries protracted, discursive, and extravagant in cost.

Suggested Alterations of the present System.

In substitution for the present mode of Private Legislation, two alternatives have been proposed, both of which have been partially tried in practice.

The one is, the employment by Parliament of certain auxiliary means of inquiry, to assist Parliament itself with materials for decision, that decision being retained finally and exclusively in its own hands. The other is the transfer of the jurisdiction in such matters from Parliament to another body or department of the State.

Of the first method, experiment was made by means of the local inquiries of Commissioners under the Preliminary Inquiries Act passed in 1846, and repealed in 1851, and also by the investigations and Reports of the Railway Department of the Board of Trade, under Lord Dalhousie and Mr. Laing, in 1845. Of both experiments, the result was unsuccessful, and from the same cause. The Committees to which the Bills were referred

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declined to be guided by the conclusions of the preliminary inquirers. The Reports carried no authority, and had even less weight than, in some instances, their intrinsic merit entitled them to. The two tribunals, Parliamentary and Departmental, did not work together. It may be anticipated that any other plan, based on the same principle, would meet with similar failure. If the auxiliary inquiry is to be regarded as conclusive, the proceedings in Parliament become an empty form; if it is not to be binding, it is useless. In practice, the interest of the parties to whom the preliminary Report may have been adverse, conspires, with the jealousy of Parliament, to set aside the judgment of the inferior tribunal.

Transfer of the Jurisdiction.

The main objection to transferring the jurisdiction in Private Bills from the hands of Parliament altogether is founded on grounds of constitutional principle. To confer exceptional powers beyond the law, by means of a *privilegium*, or private statute, is the attribute of the Supreme Legislature. This objection appears to apply with special force to the compulsory interference with houses or lands which it is the object of a very large proportion of railway schemes to effect. Although the statute law secures to the party interested the means of enforcing pecuniary compensation for his property, the Legislature alone is considered competent to authorise the infringement of private rights which is involved in the compulsory purchase of land. In addition to this ground for maintaining the jurisdiction of Parliament, it is alleged with much force that a Select Committee, notwithstanding its many faults as a tribunal, yet on account of the high honour and independent position of its Members, carries a weight, and secures a respect for its decisions which no official Board would be likely to command.

It must be admitted, however, that the force of the constitutional objection is somewhat weakened by the transfer, which, in several instances of late years, has been made by Parliament of its original jurisdiction to other authorities and tribunals. By the 19 & 20 Vict. c. 120, the power of dealing with settled estates, which up to that time had been exclusively exercised by means of Estate Bills, was handed over to the Court of Chancery. Enclosure Bills have been superseded by the powers given to the Enclosure Commissioners; Divorce Bills by the Divorce Court. The establishment and regulation of Joint Stock Companies are provided for by Public Acts. The Public Health Acts and more recently the "Local Government Act, 1858," have invested the Secretary of State, acting on the requisition of the local authorities of towns, with large quasi-legislative powers, extending to almost every object previously attainable only by Private Acts, and including even the compulsory purchase of lands, subject only to a confirmation of the Provisional Orders by a Public Act of Parliament. This measure has gone very far to supersede private legislation, so far as regards the local management and sanitary regulation of towns, heretofore effected by "Improvement Bills." Still more recently the construction of Piers and Harbours has been in certain cases made practicable without applying for a Private Bill. In all these instances the inconvenience, and still more, the great expense of proceedings in Parliament, has prevailed with the Legislature to delegate the necessary powers to other hands.

As regards Railways, however, it may be thought that the magnitude of the interests involved, their great public importance, and the extent to which their construction necessarily interferes with private rights, requires that they should continue to be treated as an exceptional case.

It must at the same time be acknowledged that Railway Interests, both as regards landowners and the public, now stand upon a very different footing from that on which they stood 20 years ago. The whole of the United Kingdom is by this time, or will shortly be, fully provided with main lines of communication. The controversies as to the routes which the great lines ought to take from point to point have been determined. There is no room left for those great undertakings whose capital is reckoned by millions, and their railways by hundreds of miles. The Railway Bills of the present and recent Sessions, so far as they propose the construction of new works, are mostly for the formation of junctions between existing lines, or branches to connect existing lines with neighbouring towns, or deviations with a view to improve authorised routes. There is a large number of Bills which do not contain any powers of construction at all, but propose either the transfer or leasing of the undertaking of one company to another, or the amalgamation of interests, or the settlement of disputes between companies, or the increase or new regulation of the capital of individual companies, or the extension of time for completing works, or the power to use steam-boats, or construct piers, or other special powers.

The settlement of disputes and ratifying of arrangements between rival companies is a matter which appears to demand rather the office of an arbitrator than an intervention of the Supreme Legislature. The regulation of the internal concerns and finances, whether of railway or other joint stock companies, is a case rather for general than special legislation. Power to increase capital, or to regulate the issue of shares, might be given, subject to certain consents and to definite restrictions, by a general law applicable to joint stock undertakings. The power of granting extended time for works might be safely entrusted, as it has been to some extent heretofore, to a public department.

With regard to the construction of new portions of railway, it may well be considered whether the majority of those which are projected at the present time might not be legalised by some cheaper and simpler process. Such schemes as those now in Parliament

for

for the extension of the Great Northern Railway to Chipping Barnet, or of the South Western from Farnborough to Aldershott, each under two miles in length, possessing no special features whatever, but which may be taken as samples of hundreds of others that are likely to occur in the gradual extension of the railway system, do not seem to be of such difficulty or importance as to demand the co-operation of the three branches of the Legislature, with all their complex and costly procedure, to give effect to them.

Even with regard to a larger class of undertakings, those for the construction of new lines, exceeding 20 miles in length, of which, perhaps, half a dozen may be presented in the present Session,—it deserves to be considered that a great change has taken place in the attitude and feelings of the landowners on whose behalf the protection of Parliament is specially claimed, towards those projects. Twenty years ago, landowners and railway companies stood in an attitude of decided mutual antagonism. At the present day, a large proportion of the extensions and additions to existing lines are not only favoured by, but have originated with, the landowners through whose property they would be made. Many of the directors of companies belong to that class, and, speaking generally, a cordial understanding exists between the two interests. Upon the whole, it is submitted that, regarding the railway system of the country in its present phase,—a system in all its main features completed and settled, but requiring, as time goes on, to be supplemented and filled up by extended or connecting lines, the matter is not one of such high national policy or paramount importance that the supreme authority of Parliament should alone be deemed capable of dealing with it. Neither, on the other hand, does it appear fair towards the Railway Companies to oblige them to resort, in order to obtain any concession of power, however small, unobjectionable, and unopposed, to the most expensive tribunal that exists.

If upon considerations such as these, a transfer of the jurisdiction should be contemplated, the question arises upon what principle should the new tribunal be founded, and in what manner organized. In a debate which arose in the House of Lords on the 23d of February last, upon a Metropolitan Railway Bill, Earl Grey is reported to have said: "The Reports made by the Board of Trade to Parliament on Private Bills had been found to be practically useless, for Committees refused to be guided by Reports drawn up in secret by a department which did not hear the parties. Nothing would ever do but the creation of some competent well-constituted tribunal, which could sit in public, hear the witnesses and counsel, which could pursue a regular settled policy, and could sit all the year round, so that the railway business might not be hurried through in a few weeks. On the advice of such a tribunal, Parliament might legislate for railways, just as it now legislates for enclosures, under the advice of the Enclosure Commissioners." The scheme thus sketched out by Earl Grey appears to indicate the true principles on which an efficient tribunal for adjudicating upon Railways should be constituted. An open and public inquiry, an uniform and consistent practice, continuous sittings, prompt despatch of business, and ultimately, though rarely to be exercised, yet reserved as a check for extreme cases,—the supervision of Parliament. But in order to render such an intervention of Parliament less probable, and to bring the proposed tribunal into more direct connexion with, and responsibility to, Parliament, it might be expedient to provide that one member of the proposed Board should, as in the case of the Poor Law Board, be a Member of one of the Houses of Parliament. The other members of the tribunal, for which three, besides the Parliamentary Member, would probably be a sufficient number, should be persons qualified by position, character and abilities, to command the respect of the suitors and of the public. And the advantage that is now alleged to be the most valuable feature of the present Committees, would in great part be secured to the new Board, if some of its members should be selected from that same class which now furnishes the most approved Chairman of Private Bill Committees. The establishment of such a Board need impose no charge upon the public. Half the sum which is paid by the Railway Companies who now come to Parliament, in the shape of fees to the two Houses, would defray the expense. The existing Railway Department of the Board of Trade being merged in the new establishment, the amount which it now costs the country would be economized.

There seems no reason to doubt that the members of such a tribunal as is now suggested, if selected for their approved competency, and placed in a position of honour and responsibility, would command the respect of the community. Their proceedings being public, and carried on under the eye of the eminent counsel who would appear before them, they would be impelled by the strongest motives to the impartial and diligent discharge of their functions. After a short time they would acquire such a knowledge of the complex relations of the Railway Companies, of their various ramifications, and of the past legislation respecting them, as to enable them to deal with the questions that would arise with a facility and promptitude which it is vain to expect from the members of a Committee who are often suddenly called upon to deal, without previous information or experience, with the intricate controversies and combinations of the railway interest.

Such a tribunal, sitting throughout the year, with the exception of a reasonable interval of vacation, would unquestionably be able to adjudicate upon as large a number of schemes as, according to present experience, would be likely to apply for their sanction.

Many matters of routine—such as the authorization of increased capital, of the creation of new classes of shares, or of the extension of time for works, &c., would be promptly disposed of according to uniform rules of practice, without going through the solemn forms of a judicial hearing.

Appendix, No. 3.

The interests of the public, which are now quite unrepresented before the Committees, except so far as they may chance to coincide with the interests of an opposing party, would be likely to reserve much more regard from such a tribunal as is proposed, than can be expected under the present system.

In order to receive the ultimate sanction and control of Parliament, it would probably be expedient to adopt the precedent of the Enclosure Act, the Local Government and other recent Acts, and to confer upon the new Board the power of making a provisional order only, subject to confirmation in a similar manner by a Public Act. Assuming the existence of a competent and well-constituted Board, represented by its chief member in Parliament, there does not appear reason to apprehend that Parliament would receive its decisions with distrust, or allow them to be lightly called in question by ex-parte statements. The credit which it now attaches to the decisions of its own Committees, would, it is fair to assume, be extended to those of a competent and experienced Railway judicature. But in case fair grounds should be shown for impeaching its decisions in any instance, it should be in the power of Parliament either to remit the matter to the Board for a rehearing, or to institute an investigation of its own by means of a Committee, specially appointed for the purpose. The Bill for confirming the Provisional Orders would always afford the opportunity for calling any of them in question; it may be anticipated that in practice it would be but rarely resorted to.

There are many matters of detail connected with the operations and procedure of the proposed tribunal into which it is not thought necessary at present, while giving merely an outline of the scheme, to enter. One point may be briefly noticed. The power of awarding costs, whether as a penalty on a vexatious opposition, or as a protection to parties whose interests are improperly assailed, is one which has been often thought desirable, but which it might be dangerous to entrust to Committees as now constituted. With a single tribunal acting on uniform rules, and upon a known and consistent practice, the existence of such a power might possibly be found both safe and salutary.

Appendix, No. 4.

PAPER delivered in by Mr. *Booth*, 26 March 1863. Appendix, No. 4.

PRIVATE BILL LEGISLATION.

I THINK that improvements might be made in the Private Bill Legislation in two ways:—

1. By improving the frame of the Bills; following in this the precedent of the Clauses Consolidation Acts passed in 1845; and

2. By withdrawing from Parliament some portion of the duties now discharged by the two Houses, and committing it to a department or departments; in this, extending the principle of various Acts that have been passed with a like object, such as the

Commons Enclosure Act.
Turnpike Trusts Relief Act.
Local Government Act, 1858, and
Pier and Harbours Act.

I think also that the field of discussion before the Select Committees of the two Houses might be in some degree narrowed, by restricting the power in some cases of disputing the preamble of the Bill. If, in addition to this, the two Houses would consent to the appointment of a Joint Committee for contested cases, I think much of the ground of complaint of the manner in which the private legislation is at present conducted would be removed.

Clauses Consolidation Acts.

I. At the time of the passing of the Clauses Consolidation Acts the experience of the railway system was comparatively recent; since that time various new questions have arisen with respect to railway undertakings requiring legislative regulation, and which it is now the practice to regulate in each Railway Bill, just as prior to 1845 it was the practice to regulate the various matters forming the subject of the Clauses Consolidation Acts.

Some of the leading matters of this nature are the following:—

Regulation of powers to deviate from the line of viaducts, &c., and, with the approval of the Board of Trade, to substitute other engineering works.

Clauses for regulating the construction of works affecting tidal waters.

Regulation of junctions of new with existing lines.

Conditions imposed where level crossings are allowed.

Clauses regulating the power of entering into working and traffic arrangements.

The conditions on which the creation of preferential capital is allowed.

Clauses regulating the creation of debenture stock.

Clauses for the protection of shareholders and the public when transfers or amalgamations of railway undertakings are allowed.

Conditions on which extension of time for the exercise of compulsory powers or the abandonment of the construction of railways are sanctioned.

Clauses regulating the acquisition or exercise of steam-boat powers.

The groups of clauses for regulating these several matters I would propose to include in a General Act, which, or the portions of it suitable for the occasion in hand, might be incorporated from time to time with the new Bills, instead of setting out the provisions *in extenso* in each Bill.

I have spoken only of Railway Bills, but there are some other classes of Bills to which the same principle might be extended, *e. g.*, Waterworks Bills, in which it is usual to insert a large group of clauses providing for the case of the bursting of a reservoir, a matter not contemplated or provided for in the Waterworks Clauses Consolidation Act, and some others.

Appendix, No. 4.

Sanction of Railway Schemes by a Department.

II. With a view to relieving the Houses of Parliament of some portion of their legislative business, but more especially with the view of affording increased facilities to railway companies for constructing branch lines and extensions and other new lines, and for making arrangements between two or more companies for their mutual advantage, such as amalgamations, leases, new capital arrangements, &c., it seems deserving of consideration whether, where all or nearly all parties are assenting, matters of the kind just adverted to might not, on conditions to be prescribed in a General Act to be passed for the purpose, be sanctioned by a department,

Either absolutely,
or provisionally, subject to confirmation by Parliament.

Where all parties were assenting there would probably be two classes of cases:

1. Of so simple a character that a department might sanction the undertaking definitively, on being satisfied that the preliminary conditions of the General Act had been complied with.

2. Where the undertaking ought to be sanctioned provisionally only, subject to confirmation by Parliament.

There are some advantages in allowing the scheme to be definitively sanctioned by a department, such as not crowding the proceedings within a limited space of time, in order to be in time for the ensuing Session; thus affording longer time for negotiation with parties at first dissenting, and not losing the time that must intervene between the maturity of the scheme to the satisfaction of the department and its formal confirmation by Parliament; in many cases a considerable time.

There are precedents for this kind of proceeding. Formerly a number of Bills were annually passed for enabling Joint Stock Associations to sue and be sued, or for their incorporation. Now, these facilities are afforded by the certificate of a department that the requisitions of the Companies Act have been complied with.

So, under the Local Improvement Act, money may be borrowed and lands purchased by consent, by the Local Authorities, for Town Improvements, with the sanction of a Secretary of State.

It is probable that a scheme to be definitely sanctioned by a department would be settled at least quite as carefully as by the Committee on an unopposed Bill.

The department would in this case perform the combined functions of the Examiners of Petitions and the Select Committees of the two Houses upon unopposed Bills.

Where parties were not all assenting, *e.g.*, where certain landowners were dissenting, an undertaking might be provisionally sanctioned, on its being proved to the department that a certain portion of the landowners only were dissenting; suppose less than one-fourth.

In cases not falling within any of the above categories, or in which the promoters did not desire to apply to the department, the proceeding by Private Bill would go on as before.

It may be supposed that by withdrawing in the manner proposed unopposed schemes from Parliament not much would be done to relieve the Committees of the two Houses; but at least a great boon would be conferred on railway companies. Much the greater number of lines now from time to time brought under the consideration of Parliament are branch lines, extensions, deviations, and the like. There are this Session more than 300 proposed lines less than three miles in length, more than 200 of these being less than one mile. Most of these would probably be dealt with under the proposed Act. And as it is proposed to allow the department to sanction alterations of the line first proposed, giving fresh notices, the opposition of landowners might probably in some cases be conciliated. And it is not unlikely that upon some contested points, engineering or other, the parties would express their willingness to be bound by the decision of the department.

A glance at the objects ordinarily proposed to be accomplished by Railway Bills will show that there is much that might appropriately be dealt with by a department, the conditions for that purpose being prescribed in a General Act.

The following are among the principal objects sought to be accomplished by Railway Bills in the present Session, these objects being more or less combined in some of the Bills:

Power to make short branches and extensions by existing company.
Short branches by new company, with power to make voluntary arrangements for working by the main line company.
Deviation of line and levels, and alterations of gauge.
New and independent lines of railway.
Short branches, with compulsory powers to run over main line.
Junctions with other lines.
Working and traffic arrangements by agreement between the companies.
Powers to run over the lines of other companies.
Power to make amalgamations, sales, or leases.
Confirmation of agreements for ditto.

Acquisition

Acquisition of steam-boat powers.
Extension of time for sale of superfluous lands.
Alteration or stopping up of roads.
Power to vary dimensions of bridges.
Powers to make level crossings.
Sanction of level crossings not authorised by the Companies Act.
Interference with public works or tidal waters.
Extension of time for completion of works.
Purchase of harbour, dock, or pier.
Alteration of tolls and terminal charges.
Capital arrangements, such as power to raise further capital, with preferential dividends, for completion of existing line, or for additional works.
Subscriptions to other companies and guarantees.
Arrangements as to cancelled shares.
Confirmation of dealing with cancelled shares.
Alterations of terms of existing preference.
Consolidation of Acts.
Legalising Acts done in excess of powers.
Abandonment of portions of line.
Short lines and stations in the metropolis—sometimes proposing large displacement of labouring classes—the enclosure of a place of healthful recreation, such as Finsbury Circus.

Proposed Act for regulating the Sanction of Railway Schemes by a Department.

The following is an outline of the Public Act that I should propose to have passed, for enabling a department to deal with these schemes.

The proposed Act would provide that any new company, or any existing company, upon compliance to the satisfaction of the Board of Trade (or some other department) with certain preliminary conditions to be prescribed in the Act, may, where not less than three-fourths of the landowners are assenting, apply to the Board of Trade to be allowed to make any new line of railway, or railway works, and to take the necessary lands for the purpose, the sanction of the Board of Trade to be signified by publication of their certificate in the "Gazette," but such certificate not to be issued if the work be objected to by any landowners having lands, or by any municipal authorities or other persons having the control of any public works proposed to be interfered with.

The preliminary conditions would be very similar to the requirements of the Standing Orders in the case of a Railway Bill, viz.:

Assent of shareholders, if promoted by an existing company.
Plans to be deposited, and notices given.
Security to be taken for completion of the line.
Power to the Board of Trade to sanction alteration of line as orginally proposed, so as to meet objections of landowners, &c., fresh notices, &c., being given of the deviated line.

Upon publication in the "Gazette" of a certificate by the Board of Trade, that the preliminary conditions have been complied with to their satisfaction, and that no landowners or persons having control of public works have lodged any objection, the company to be deemed to be incorporated (if not already incorporated), and to be allowed to construct the line according to a scheme to be set forth in the certificate, subject to the provisions of the Companies Clauses, Lands Clauses, and Railways Clauses Acts, as now proposed to be amended.

The scheme would set out the line by reference to the deposited plans and sections, as is now the practice in Railway Bills, the tolls to be taken, not exceeding those limited in the proposed Act, the level crossings to be allowed, and departures from prescribed ascents of roads, height and width of bridges, &c.

Before issuing their certificate, the Board of Trade to cause public notice to be given by the parties, in a manner to be approved of by the Board, in the local papers, fixing a day on or before which objections are to be made by landowners, &c., accompanied by a declaration that they intend to oppose the making of such line in Parliament, the Board having a discretion to enlarge the time for lodging objections, if it see fit.

When any such objections are lodged, the Board of Trade to be empowered to issue a provisional certificate that the preliminaries have been complied with, and containing the scheme proposed to be submitted to Parliament; but the company to have no power to make the line, unless either the objections be withdrawn, or an Act be passed sanctioning the scheme set forth in the certificate.

A Public Bill or Bills to be brought in to confirm the several opposed schemes approved of by the department, unless withdrawn by the promoters.

Petitions of opposing parties to be presented within a limited time, say 14 days after the first reading of the Bill, or the opposition to be deemed to be withdrawn.

On second reading, the Bill to be referred to a Select Committee, as Private Railway Bills are referred. When so before the Committee, each scheme to be dealt with as a distinct Private Bill, but to be exempt from the ordinary Standing Orders, the Committee being empowered to strike a scheme out of the schedule, or to modify it, in any case in which the opposing petitioners show sufficient cause for so doing. The opposing petitioners

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to be confined to showing that the special injury which would be sustained by them in consequence of the proposed interference with their lands or the public works under their charge would be such that it ought not to be sanctioned by Parliament.

The Committee to have power in any case to divide the Bill into two or more Bills.

The proposed Act would also define the conditions on which railway companies, with the sanction of the department, might accomplish the following objects:

1. Enter into mutual agreements for the working or use of their respective lines.
2. Obtain extension of time for the sale of superfluous lands.
3. Make new capital arrangements, such as raising further capital, with preferential dividends, for completion of existing lines, or for additional works. Subscriptions to other companies, and guarantees. Arrangement as to cancelled shares.
4. Obtain power to make level crossings.
5. Obtain power to alter roads and to vary the dimensions of bridges, with the assent of the parties having the control thereof.
6. Amalgamation, sale, or lease of railway undertakings.
7. Obtain power to purchase, by agreement, harbours, docks, or piers, or to work steam-boats.

Nos. 6 and 7, it may be thought, should be sanctioned by Provisional Order only, subject to confirmation by Parliament.

The conditions on which I should propose that these objects be allowed to be sanctioned by a department, would be much the same as those which Parliament has been in the habit of imposing when these objects have been sanctioned by Private Acts. They would have in view, especially, to ensure the previous assent of a given proportion of the companies' shareholders in special meeting, and to save the interests of all who are not parties to the arrangements.

Where all parties are consenting, I see no sufficient reason why short branch lines should not be allowed to be constructed and worked, subject to the conditions to be prescribed by the proposed Act, without the intervention of a department.

Proposal to narrow the field of Discussion before Committees.

Although, under the proposed system, the opposition to a scheme were not withdrawn, and it were necessary to sanction it provisionally only, the points of opposition might be narrowed.

This might be done to a very considerable extent, if the houses would confine the objections of landowners to showing their own special objections to the line as affecting their own lands, without disputing generally the preamble of the Bill,* and would refuse to hear the objections of rival companies complaining of competing schemes, and would allow amalgamations and working arrangements between companies to be sanctioned, without reference to the question whether thereby a new scheme competing with the line of a third company would be created.

By admitting this principle, a very large portion of the contentious private business would be at once got rid of. And there is much to be said in favour of taking this line, for I think it is well worthy of consideration whether the time is not arrived which demands a change in the policy of the Legislature in dealing with railway undertakings; whether we may not cease to look upon them as necessarily of an exceptional character—as monopolies, to be protected on the one hand, and restricted and regulated on the other; and whether we may not now give free scope to the principle of competition in these undertakings. Railways have become the great highways of the country for all other than the mere local traffic, and it seems desirable, therefore, to afford all reasonable facilities for their multiplication. Wherever an established line was desirous of laying down branch lines or extensions, &c., in short, of giving increased accommodation to the travelling and trading public, I should be disposed to encourage it to do so, and I would not listen to the objection of a rival company, that the proposed new lines would unduly compete with its lines. If the first-named company have satisfied themselves that the new lines will pay for making and working, and are prepared to give ample security for their completion, I think you may assume that it is for the public advantage that the lines should be made, and I would not listen to a competing company wishing to show that it is not so. I would, of course, give every facility to landowners and others whose legal rights were interfered with, to represent their special cases; but I would not listen to them, and still less to a rival undertaking fighting behind their backs, representing that the new lines would not be for the public advantage, that there was not traffic enough, that it was an improvident scheme, and that it would not pay, &c. I think the best test of all this would be, that a company were prepared to stake their capital upon it, giving security for its completion. A Committee on a Private Bill cannot satisfactorily inquire into or determine questions of this kind, and, I think, it had better not attempt it. It may be true, that

* This suggestion is not new. The following recommendation is contained in the Fifth Report of the Select Committee on Railway and Canal Bills in 1853, page 15: "No landowner petitioning only as such, alleging no general public ground, and not liable to the provisions as to costs, should be heard upon the general question of public advantage; but in such cases, the inquiry should be limited to such investigations as the Committee might think it right to institute into the nature of the residential or other damage which the proposed scheme would entail upon him."

that the construction of the new lines would prejudicially affect some other line by withdrawing a part of its traffic. That is its misfortune, but it is a risk which all commercial undertakings must be exposed to.

I would propose, therefore, that the preamble of the Bill, so far as it assumes that the scheme is practicable and for the public advantage, should not be allowed to be questioned by the individual landowner. The public advantage of the undertaking would be implied in the fact that a responsible company, giving security, were prepared to execute the line. But this would not prevent the landowner from being heard to say that the injury which the proposed work would entail upon him is such as to outweigh the public advantage.

I would illustrate this by a case before Parliament, where it is proposed to take Finsbury Circus to make a station for the Great Eastern Railway Company. Granted that the station would be a great public convenience, the inconvenience to the inhabitants of the circus and the neighbourhood may be such as, in the judgment of the Committee, to make it incumbent on them to refuse the Bill.

It may be, in an exceptional case of this character, that the promoters of the Bill, seeing the extraordinary opposition likely to be made by the landowners and local authorities, would not deem it prudent to rest their case on the general presumption of advantage to the public, implied in their being prepared with security to make the new line and works, and would produce evidence to show that the public advantage of the proposed work was of an extraordinary character, and by anticipation thus meet the expected opposition of the landowners and others. In that case, I should think that the landowners might properly be heard to show that the case was not of this extraordinary character.

Should the new line propose to interfere with the works of an existing company, that company would, of course, be heard to object to the interference, or to insist on such terms and conditions as it might be able to show to the Committee would be fair, under all the circumstances of the case.

If the Committee on Private Bill Legislation should, upon inquiry, come to the conclusion that the principle which I have suggested is a sound one, its adoption would relieve the Select Committees of the two Houses of a large share of the strife which now goes on before them; for this is commonly raised by rival companies in one form or another.

I should propose that ample security should in all cases be given for the completion and opening of the line within a given period. The best security, in the case of a new company, would probably be the deposit of an adequate sum of money, to be forfeited on failure to complete within the given time. In the case of a dividend-paying company, whether a stay of dividend after default, or a continuing penalty, I am not prepared to say. I would propose in both cases an absolute forfeiture of the line if not completed within a further given time.

The deposit would no doubt operate as a discouragement to the formation of lines by new companies. This, *pro tanto*, is an evil, but it would have a salutary effect in repressing speculative schemes of contractors and attorneys, which are now much complained of; and under the proposed new system a *bonâ fide* scheme would have the advantage of its getting rid of one great source of opposition, viz., that from competing lines, and the advantage also of such other facilities for the construction of new lines as the improved system that has been suggested may afford.

Provisional Orders on unopposed Bills to be prepared by Officers of the two Houses.

I have suggested the sanctioning of railway schemes provisionally by a department, because there happens to be a department specially charged with the supervision in many respects of railway undertakings; just as for the same reason pier and harbour schemes are sanctioned provisionally by the same department.

But on principle it would seem preferable, where an order can be made provisionally only, *i.e.*, where further legislation is necessary, that the matter should be left wholly in the hands of the Houses of Parliament, *i.e.*, that the case entitling the promoters of any undertaking to have it sanctioned by Provisional Order should be proved to the satisfaction of officers of the two Houses, the conditions on which the Provisional Order was to be allowed being prescribed by Standing Orders.

It seems deserving of consideration whether, with the exception of railway undertakings which, for the reason that has been given, might be entrusted to a department, all unopposed private legislation might not be very much simplified in this way, *i.e.*, the proceeding to be by Provisional Orders, under the superintendence of officers jointly appointed by the two Houses (as the Examiners of Petitions are appointed), acting in the House of Lords under the direction of the Chairman of Committees, and in the House of Commons under that of the Chairman of Ways and Means, the rules for this purpose being laid down in Standing Orders, and there being an opportunity of applying to the Select Committee on Standing Orders where the rule was doubtful or seemed to demand relaxation.

Opposed Bills and Points reserved on Provisional Orders.

Select Committee or Judicial Tribunal?

There will still remain for consideration the Opposed Bills, and the questions for the decision of Committees of the two Houses, under the Provisional Orders proposed to be sanctioned by a department, when the opposition is not withdrawn.

There seem to be certain things that you cannot withdraw from investigation before

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Committees of Parliament, unless some other tribunal of the like character is to be substituted.

For all open questions, *i.e.*, where the principle of decision cannot be reduced to a law, the Committee is, I think, better than a judicial tribunal. Its fluctuating character is not altogether a disadvantage. It varies with the times, and keeps progress with the age. The public will permanently acquiesce in no other.

A judicial tribunal, proceeding strictly on precedent, would be apt to stereotype the policy of a bygone age.

One great recommendation of the judicial tribunal has been supposed to be the uniformity and consistency of its decisions. The Liverpool and Manchester, and the London and Birmingham Railway Bills were, I believe, both thrown out by the Committees on their first introduction. Where would the railway system now have been under a course of uniform judicial decisions?

A preliminary inquiry by officers on the spot, or by a judicial tribunal, who are not to have the final decision of the case, would, I think, in most contested cases be merely adding to expense.

It is sometimes said that the facts might usefully be investigated by officers in a local inquiry; and this might be so if you could define the facts requiring to be proved, as the condition on which the promoters of a scheme would be entitled to their Bill; but this is not the case, or you could reduce the matter to law, and no Private Bill would be necessary.

What, for instance, are the facts to be proved in the case of the Bill for converting Finsbury Circus into a railway station?

If Standing Orders could be framed defining the inquiries proper to be made with respect to the several classes of Bills, no doubt the investigations which now take place before Select Committees might be conducted by a permanent body of officers appointed by the Houses, and regulating their proceedings by judicial forms: they might be conducted probably with greater skill and consistency than by Select Committees; but I believe it to be impossible to frame any such Standing Orders.

If you could do so, you would approach so far towards reducing the matter to a law; and for determining any question of law, no doubt a judicial tribunal is better than a Committee.

The duties of the Committee on the Bill are not of a judicial character merely; they are inquisitorial and legislative rather than judicial.

A judicial tribunal is ordinarily supposed to be appointed to try some definite question. It is assumed that there is a law, and that the judges are to try the question of conformity or non-conformity with that law. But the questions coming before the Committees are not questions of law, but questions of judgment and discretion, and they can hardly, with propriety, be referred to the decision of a judicial tribunal. They seem fitter for the consideration and determination of the Select Committees, who are supposed to represent the House by which they are appointed in a working form.

Joint Committee of the two Houses.

The question remains, whether you can improve the Committees. I would suggest a Joint Committee of the two Houses:

In the Commons, three Members of that House and two Peers, one of the three in the chair, without a vote, except in case of equality.

In the Lords, three Peers and two Commoners, voting as before.

As either House may, in a special case, remit the Bill back to the Committee, the opportunity of a rehearing might, in extraordinary cases, be afforded.

This might, no doubt, to some extent, give rise to increased discussions of Private Bills in the whole House on motions to recommit the Bills. But these discussions take place under the present system, and as the recommittal would be to the same Committee, we, perhaps, need not fear that the practice would be inconveniently extended.

The public would, I believe, be satisfied with the decisions of a Joint Committee. The losing party would, no doubt, generally be dissatisfied.

Board of Trade,
March 1863.

J. B.

Appendix, No. 5.

PAPER delivered in by Mr. *Burke*. Appendix, No. 5.

To the Right Honourable *T. Milner Gibson*, M. P.

2, Essex Court Temple,
Sir, 6 May 1863.

In obedience to your request, I beg to subjoin the following reasons which occur to me, in support of the suggestion which I ventured to make to the Committee on Private Bill Legislation, as to the alteration of three Standing Orders, which I believe operate injuriously to the public, by creating unnecessary difficulties in the raising of money for railway purposes, and by thus enhancing the cost of those undertakings.

These Orders are the following: viz. the 152d, prohibiting the payment of interest out of capital; the 146th, preventing powers of sale or lease of a new undertaking; and the 137th, restricting the borrowing powers of Companies to one-third of their capital in shares.

I take it for granted, that economy in the construction of Railways will be acknowledged to be an object desirable of attainment, and that anything which interferes with that object should, if possible, be avoided.

Now, it has been found by experience, that many persons who object to subscribe to Railways and other similar undertakings, under the present restrictions, are willing so to do, if paid interest on their money during the construction of the works, and therefore, in almost all undertakings not requiring Parliamentary sanction, it will be found that such interest is almost invariably allowed. In the early days of Railways, before the Standing Order was made, I could cite more than one instance in which Railway Companies, whose works were at a stand-still for want of capital, were enabled to procure it, and to prosecute their undertakings, by obtaining Parliamentary power to do that which the Standing Order prohibits. It appears to me also, that the real cost of an undertaking is not merely the actual money expended on it, but the value of that money during the period of its expenditure. For instance, if the money were borrowed, it would, of course, bear interest, which would represent its value during the period of its employment, and I do not think the principle is altered by the capital being advanced by a shareholder. It may, of course, be argued, that if he receives interest on his capital before it becomes productive, he is only paying himself out of his own pocket, and this, no doubt, is true, but I do not see that this is an argument in favour of the Standing Order, if it be found in practice (as I believe to be the case) that capital will be more readily obtained by allowing interest to be paid on it during the construction of a work for which it is subscribed, than if no such interest be allowed. Moreover, the payment of interest stimulates the punctual payment of calls, and thus strengthens the hands of the Directors, whilst it also stimulates the latter to the prompt execution of the works confided to them. The inconvenience felt by the Standing Order clause is shown by the fact, that it is constantly evaded in practice; one mode, among others, being to grant the execution of the undertaking to contractors at exorbitant prices, on condition that they shall pay interest on the calls until the work is completed and opened.

With regard to the restriction, or the power of leasing new Railways contained in Standing Order 146, it appears to me that this Order also has a prejudicial effect on the raising of capital, and consequently on the cheap execution of works. For instance, if landowners desire to make a branch railway, the profits of which, *per se*, may be doubtful, but which might be a source of ultimate profit to a trunk line by the accession of traffic which it would bring to it, they might find it very difficult to raise capital for their undertaking as a separate speculation; whereas if the owners of the trunk line would agree to rent it at a moderate rent when completed, the capital might be readily obtained on favourable terms. It must be borne in mind, that the capital for the construction of Railways is now mostly obtained through the intervention of contractors, to whom the execution of the works is confided, and who take payment for such works partly or wholly in shares. If the ultimate profit of the undertaking be doubtful, the shares will be at a great discount, and the price of the works will be in an inverse ratio to the value of the shares, so that it is plain that if a certain revenue were secured on the undertaking, the cost of the works would be diminished.

A great proportion of the new Railways which come before Parliament are undertakings by new Companies, but mostly with the direct or indirect support of some existing Company, and the restriction on the powers of leasing such undertakings is constantly evaded by

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working arrangements, under which a certain profit is secured to the promoters of the new line, by allowing them a participation in the increase of traffic which it may bring on the trunk line. If such arrangements be deemed proper, I hardly see how a power to lease can be deemed objectionable, and the latter would certainly be more definite and acceptable to the public advancing their money.

Lastly, with reference to the limitations of the borrowing powers of Companies to one-third of their capital in shares, whilst I should admit that this may be very proper in some cases, I cannot think it is so in all, especially in the case of established Companies, and therefore, I think, that Committees should have a discretion in the grant of mortgage powers, according to the financial position of the Companies asking for them; for instance, suppose a Company having three millions of capital, and one million only of mortgage debt, if they paid only four per cent. on their share capital, they could not raise more capital in shares except at a discount; whereas having a clear revenue of 120,000 *l.* per annum, after paying all charges, they could readily borrow another million or more at the current rate of interest, with perfect security to the lender, and without invading that of the original mortgagee. This would obviously cheapen the work to the Company and to the public; whereas the issue of shares at a discount would have a contrary effect.

It is not therefore surprising that this order also is constantly evaded by the issue of Bonds (known by the name of Lloyd's Bonds); and it appears to me that those evasions tend to show that the Standing Order restriction is found in practice to operate injuriously upon Companies; whilst, as I have endeavoured to show, it is not in all cases necessary for the protection of the public. Formerly the order did not exist; and many of our early Railways, as well as most of our canals, were made by means of money raised on mortgage, to an extent which bore a much higher proportion to the capital in shares employed in those undertakings than the one-third now allowed by the Standing Order; and I have never, in my own practice, heard of any evil resulting from the exercise of the larger borrowing powers under their old system.

I venture to offer the foregoing suggestions as the result of a good deal of experience in dealing with Railway Companies; but probably your Committee would derive more satisfactory information on the matters to which I have referred from witnesses who have been engaged in carrying Railway undertakings into effect, and who are acquainted with the financial difficulties by which they are often beset.

The days are gone by when capital could be readily obtained for Railways. The most paying districts have already been absorbed; and if it be desirable to encourage the extension of those useful undertakings, it appears to me very undesirable to create impediments in the way of raising the capital necessary to carry them into execution.

I have, &c.
(signed) *J. St. George Burke.*

REFORM CLUB
PALL MALL

Appendix, No. 6.

LETTER from Mr. *Frere* to the Right Honourable the Speaker. Appendix, No. 6.

Sir, Taxing Office, 5 February 1863.

IN the letter which you addressed to me at the close of last Session you directed my attention to the Report of the Committee of the House of Commons on the Revision of the Standing Orders, and you desired me to take into my careful consideration all the charges in respect of Private Bills which come under the scope of my Department as Taxing Officer, and to prepare a Report thereupon, to be laid before you at the meeting of Parliament.

You directed my particular attention to the charges made for copies and the multiplication of copies.

You also named the subject of the fees paid to counsel, and the question as to how far further legislation might be necessary in order to control the practice of the profession, as also the question of the compulsory taxation of costs, as matters which would demand my special consideration.

I have, in compliance with your instructions, prepared a Report on the above matters, which I have the honour of submitting to you herewith.

As the Proceedings with respect to Private Bills, and the charges authorized to be made in respect of them, are similar in both Houses, it would be desirable, previously to any ultimate decision on the subject, to communicate with the authorities of the other House and obtain their co-operation.

The Right Honourable the Speaker,
&c. &c. &c.

I have, &c.
(signed) *Charles Frere.*

REPORT.

THE LIST OF CHARGES FOR PARLIAMENTARY AGENTS AND SOLICITORS.

THE appended Revised List contains such alterations in the charges at present authorised to be made by Parliamentary Agents and Solicitors, in conducting Bills through the House, as, after careful consideration, appear to me to be desirable.

Before arriving at any conclusions on the subject I had several meetings with the Parliamentary Agents and Solicitors, and every reduction which I have proposed in the present charges has been the subject of full discussion with them.

The most important alteration which I propose is that in the charges for copying, to which you drew my special attention.

The charges for copying frequently form a very large portion of a Solicitor's bill of costs; the question therefore of the proper rate at which such copying should be paid becomes one of great importance.

The rate at present is 8 *d.* per folio; the rate in the courts of law being 4 *d.*

On entering upon this question, I desired the Solicitors and Parliamentary Agents to lay before me such reasons as they could adduce in favour of maintaining a rate for copying in Parliament so much higher than that allowed in the courts of law.

As the reasons which they adduced failed to convince me of the propriety of maintaining the present rate, and as the question is of such great importance to the Solicitors, I requested them, as well as the Parliamentary Agents, to put on paper their reasons in favour of the maintenance of the present charge, in order that if my opinion should ultimately be unfavourable to them, I might be able to lay this paper before you for your consideration, together with my Report. I have therefore enclosed these papers with this Report.

It will be seen that their arguments in support of a much higher charge for copying in Parliament than in the courts of law are founded on the importance of the business transacted, its restricted and peculiar character, its fluctuating nature, and its duration being only for eight months out of the year; thus rendering necessary an establishment expensive in proportion to the amount of work performed.

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It appears to me that the Solicitor's charge for copies of Minutes of Evidence is not affected by these arguments. The Minutes of Evidence are not documents drawn by him; they are not copied in his establishment; they are often very voluminous, in proportion to their importance, are copied by the stationer, and the profit beyond the sum (2 *d.* per folio) paid for the copying falls to the Solicitor, without any labour on his part or on the part of his establishment being bestowed on the document. I consider that the Solicitor is fully paid for his work by the charges which are attached to the several items in the list, independently of the profit on Minutes of Evidence; and that he would have no just ground of complaint if by any alteration of the proceedings before the House (either on the one hand by printing the Evidence, or on the other, by abolishing the practice of taking down the Minutes of Evidence altogether), the right of supplying the copies was taken from him; and I have no hesitation in recommending that the charge for the copies of Minutes of Evidence supplied by the Solicitor be reduced from its present rate of 8 *d.* to 4 *d.* per folio.

The remainder of the copying varies in its character. Some portion of it, namely, that performed for the use of the House, or the Members or Officers of the House, requires more than ordinary care in the copying and examination. The amount of copying, however, of this character is small in proportion to the rest, and the only grounds on which a higher rate of charge than 4 *d.* per folio generally for copies of Parliamentary documents could be allowed are, the pressure under which such copying is performed during the Parliamentary Session, which causes a greater expense than in ordinary copying, and such weight as may be attached to the arguments adduced by the Parliamentary Agents and Solicitors before mentioned.

In considering, however, the question thus raised, it must be remembered that the charges in Parliament for drawing and settling documents and for attendances are at a very much higher rate than those allowed in the courts. Giving what I believe to be due weight to the before-mentioned arguments of the Parliamentary Agents and Solicitors, I should not recommend that these charges should be reduced, but the charge of 8 *d.* per folio for copying is, I am convinced, an extravagant charge, and one which leads to great abuse; and I feel sure that the just claims of the Parliamentary Agents and Solicitors will be fully met by establishing a charge of 6 *d.* per folio for the copying of all Parliamentary documents, except Minutes of Evidence and Documents for deposit, in compliance with the Standing Orders. With respect to these last-mentioned documents, the greatest care is requisite in the copying and examination, as even a clerical mistake might be fatal to a Bill. I should therefore recommend that the same proportion as exists at present, between the rate at which these copies and ordinary Parliamentary copies are charged, should be maintained; and that the sum of 9 *d.* per folio should be allowed for copies for deposit, the present charge being 1 *s.* per folio.

The charge for ingrossing will follow the same rule, and be reduced from 1 *s.* to 9 *d.*

The question of the multiplication of copies, to which you also drew my special attention, is immediately connected with that of the number of counsel allowed to appear for one party in a case, as each counsel is supplied with a copy of Brief, Minutes of Evidence, &c.; and, in a subsequent portion of my Report, I have recommended that the number of counsel allowed to appear for any one party should be restricted to three.

I do not think it is practicable absolutely to limit by a general rule the number of copies of documents which shall in the several cases be allowed to be made. But it is quite practicable, and would, I think, be very right, to limit the number of those which shall be allowed to be charged at a higher rate than 4 *d.* per folio, to such copies of strictly Parliamentary documents as shall be ordinarily requisite, in order to the proper conduct of the case.

I have, therefore, added a table, showing the number of copies of the various documents which I propose should be allowed at the rate of 9 *d.* and 6 *d.* per folio respectively, to which a note is added, that any further copies, or copies of other documents requisite in any particular case, are to be charged at 4 *d.* per folio only.

The other alterations which I propose in the charges are, taken separately, of minor importance.

I have, however, endeavoured to make the list of charges more complete, and, wherever I have found it practicable, have fixed a specific charge for specific work. I have hoped thereby to show as distinctly as possible, the charges authorised on all Parliamentary proceedings, and to render the bills of costs more uniform and consistent with the charges which would be allowed on taxation.

I have, in the appended list of charges, made a note of each alteration which I propose in the list as at present in force, and I have stated the grounds upon which I propose it.

Counsel's Fees.

The fees paid to counsel form a very large item in the bill of costs of any strongly contested Bill.

Their large amount is occasioned mainly by the protracted character of the proceedings before Committees, and any great diminution in it must be looked for in an alteration of the present system which shall tend to the abridgment of the time occupied in inquiries before Committees.

The system, however, upon which they are charged is very objectionable.

According

According to the system as at present established by the rules or custom of the Bar, the fees paid to a counsel in Parliament are as follows:—

	£.	s.	d.
Retainer	5	5	–
Daily consultation	5	5	–
Daily refresher, which is paid on the first day as well as on every subsequent day	10	10	–
The brief fee being at least (besides his clerk's fees.)	10	10	–

It will be seen that according to this scale even a junior counsel cannot be retained and make his appearance in a Committee-room at a less cost than a sum exceeding 30 guineas, nor can he accept subsequently in respect of daily consultations and refresher (which in the payment of Parliamentary Counsel frequently form a large portion of the whole amount) what might be a fair fee for his services, or a smaller fee than 15 guineas, being the same amount which would be paid to the most eminent counsel at the Parliamentary Bar.

The effect of these rules is to increase the expense of counsel before Committees, and further they have a tendency to limit the business to those counsel whose Parliamentary reputation is the most adequate to justify the high rate of fees fixed, and, therefore, to a comparatively small number, who in consequence often have more business than they can satisfactorily attend to.

In my opinion the minimum thus fixed as the fee for retainer, consultation, and refresher ought to be abolished, and the payment of counsel in respect of those fees (more especially the refresher) left, as it is at present with respect to the brief fee, to be proportioned to the importance of the case and the eminence of the counsel engaged, and at the same time it appears to me that a maximum fee ought to be established in respect of retainer and consultation, which would be more in accordance with that which is given in the Courts of Chancery and Common Law, and that the brief fee should, as in other courts, and as was formerly the case in Parliament, cover the first day's actual attendance in the case, there being no refresher therefore for that day.

The retainer in the courts of law and Chancery is one guinea. In appeals in the House of Lords, it is two guineas. I see no reason why the maximum fee for retainer in Parliament should exceed two guineas.

The consultation fee of 5*l.* 5*s.* in a Parliamentary case is, with very rare exceptions, if not invariably, paid daily, whether there arises any special necessity for a consultation or not. At the Chancery Bar and the Common Law Bar the fees for consultation are two guineas for a Queen's counsel, and one guinea for a junior counsel. I do not think it desirable that a distinction should be drawn in any scale for Parliamentary charges between a Queen's counsel and a junior counsel, but it appears to me that for a consultation a maximum fee of two guineas is as much as ought to be allowed, and that such fee should be paid only in cases where a consultation should be considered necessary by the parties, and should be actually held.

Larger fees are occasionally paid in courts of law for refreshers than the 10 guineas which is the fee in Parliament; but considering that in Parliament, according to the present practice, a Counsel is often engaged in five or six Committees at the same time, if a general maximum fee were fixed for a refresher, the present fee would be more than ample. I should, however, in the case of the refresher, confine my recommendation to the abolition of the minimum only, leaving that payment to be proportioned, as is the brief fee, to the value in each particular case of the services of the Counsel engaged. It must also be borne in mind that although, owing to the length of the inquiries before Parliamentary Committees, the dispensing altogether with the refresher may be impracticable, yet there frequently occur cases in which counsel are engaged on a Bill before a Committee for several days, whilst the payment of a refresher on every one of such days to all or any of the counsel is uncalled for. I think therefore that the payment of a refresher ought not to be considered as a matter of course, but should be (as it is in the courts) discretionary, and that it should not be held to be unprofessional in a Barrister to hold a brief in a Parliamentary case without such a payment being made to him.

I believe that the alterations in the present system above suggested would be for the advantage of the Bar generally, as well as of the public; and I cannot doubt that any recommendation on the subject that might emanate from the two Houses of Parliament would be attended to by the Bar. If it should be considered desirable that any alteration which may be thought necessary should be carried out under the sanction of direct Parliamentary enactment, further legislation would be necessary, as the Acts for the taxation of costs do not give any power to the authorities of either House to regulate the fees paid to Counsel.

A scale of fees laid down under the authority of Parliament would control the practice of the profession, so far as to keep the fees within any maximum that might be fixed, but would not operate so as to affect any minimum that might be established by the rules of the Bar, so long as it did not exceed such maximum; any alterations in this respect must be effected by the Bar.

If therefore the alterations which I have above suggested should appear desirable, the maximum fee for retainer and consultation, as also the regulation as to the brief fee covering the first day's attendance, might, if necessary, be established under authority of Parliament; but the rules of the Bar, which establish a minimum of 10 guineas for a refresher, must be altered by the Bar itself; in default of such alteration, however, and if

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it should become necessary that the fee should be fixed by Parliament, it must be considered that any maximum so fixed might become the general fee paid to all Counsel alike. I do not think, therefore, that a larger fee than five guineas ought, under such circumstances, to be allowed, or that it would be right that more than one such refresher should be paid to a counsel on behalf of the same clients on any one day (whether he should be engaged in respect of one or more than one Bill) before the same Committee. The effect of the establishment of such a fee for a refresher would probably be to throw a larger portion of the payment of the more eminent Counsel on the brief fee.

It may be held that although fees paid to Counsel cannot be included under the head of the "charges," which, by the 4th section of the Taxation Act, Parliamentary Agents, Attornies, Solicitors, and others may make, and which the Speaker is by the same section authorised to regulate, yet, if put into a Bill of Costs, they are included under the head of the "costs, charges, and expenses," which, by the same section, the Taxing Officer may allow, in respect of matters not included in the list of charges authorised by the Speaker, and in respect of which matters he is to allow "all fair and reasonable costs, charges, and expenses;" and that therefore a power is vested in the Taxing Officer of the House, of allowing in respect of such fees such charges only as shall appear to him fair and reasonable; the appeal from his decision being to the Speaker. It appears to me, however, to be very unadvisable that such an extensive alteration in a practice as to Counsel's fees in Parliament, which has obtained for so long a period, should be effected under powers only incidentally given by the Act for the taxation of costs.

I think it most desirable that any requisite alteration in that practice should be effected by the Bar itself, on the representation of the authorities of the two Houses; but should this not be done, I do not think it should be effected otherwise than on the deliberately expressed opinion of the two Houses of Parliament, and I do not see how the views of the two Houses could be carried out in a satisfactory manner otherwise than by a further Act of Parliament.

Another source of expense in respect of Counsel's fees, is the large number of Counsel occasionally employed for one party. Although there is some reason in the excuse offered for employing more Counsel than would otherwise be necessary, namely, that the same Counsel are engaged in several Committees which are sitting at the same time, and unless the parties engaged several Counsel they would not be sure of the attendance of any; I am yet of opinion that the employment of a number of Counsel is carried to a greater extent than is justifiable; and, though it would not be well to limit too narrowly the number which a client may think fit with regard to his own interest to employ, that it would be expedient to establish a rule that no more than three Counsel should be allowed to appear for any one party.

If it were thought that exceptional cases might occur where a larger number might be allowed, an exception might be made where the House, or the Committee, gave special leave.

Taxation of Costs.

The question of the adoption of a system of compulsory taxation has been at different times considered by various Committees of both Houses. No recommendation, however, has ever been made in its favour.

In 1847 the Committee of the House of Commons on Private Bills recommended that the costs attendant on Bills promoted, or opposed, by corporations or public bodies should in all cases be taxed, but the provision for that purpose was, on the subsequent recommendation of that Committee, withdrawn from the Bill which was passed, establishing the system of a taxation of costs.

There is a general feeling amongst the Parliamentary Agents and Solicitors that to apply such a system as that of compulsory taxation to their profession, which is not applied to any other, or in any other court, would be to affix a stigma to the profession to which it ought not to be subject.

I think there is considerable force in this objection, and I think further, that to establish a system of compulsory taxation would be going beyond the principle upon which a system of taxation is founded, which I conceive to be simply the protection of the client from any extravagant charges in respect of proceedings before the court; it is instituted for the benefit of the client. To force the taxation on a client, who does not object to the Bill, is, therefore, not to be defended on principle, especially when the taxation is accompanied with considerable costs and charges which ordinarily fall upon the client.

It appears to me that all that Parliament is called upon to do, with a view to establish an effectual system of taxation, is,—

1st. To set forth the scale of charges which it sanctions in as clear and distinct a manner as possible, so that the Agents and Solicitors may readily ascertain what charges they are entitled to make, and the parties employing them may as readily ascertain whether those charges are exceeded.

2dly. To provide an easy and inexpensive remedy, in case either on the one hand unreasonable charges are made, or, on the other hand, reasonable charges are resisted.

It has been my aim, in drawing up the scale of charges which I submit for your consideration, to carry out the first-mentioned object as far as possible.

With

With regard to the second point, I would submit that the per-centage fees which are at present levied on bills of costs on taxation, though smaller than those levied in other courts, fall very heavily on the clients, and together with the costs which the Agent or Solicitor is allowed to charge, operate as a discouragement to them in applying for a taxation.

The fees at present charged are 1*l.* for every 100*l.* of a bill which is allowed by the taxing officer, and this per-centage is levied not only on the Agents' or Solicitors' own bill, but on the payments made which are included in the bill, and which are often double the amount of the bill itself.

In consequence, it not unfrequently happens that a sufficient amount is taken off a bill perfectly to justify the application to the taxing officer, but whilst the client is on the one hand relieved of the amount so taken off, more than that amount is imposed on the other hand in the shape of fees payable to the House, and the costs of the Agent or Solicitor in making out his bill and attending the taxation.

Assuming that the cost of the establishment of the taxing officer should be defrayed out of the fees paid in respect of Private Bills, it appears to me that inasmuch as such an establishment is a benefit not only to the parties who have occasion to apply for a taxation, but to the Suitors for Private Bills, and before Parliament generally, as tending to keep the charges of the Agents and Solicitors within a certain allowed scale, and it being the object of the House to encourage a system of general taxation of costs as far as possible, the cost of the establishment should be defrayed out of the general fund created by the fees paid in respect of Private Bills, and that the fees at present paid on each taxation should be abolished.

I therefore submit that the per-centage fee should be abolished, merely retaining the fee of 1*l.* on the application, and 1*l.* for the certificate (or report), which would be sufficient to prevent any frivolous application.

(signed) *Charles Frere,*
Taxing Officer, House of Commons.

5 February 1863.

Appendix, No. 6.

DRAFT

OF

PROPOSED LIST OF CHARGES

FOR

PARLIAMENTARY AGENTS, ATTORNIES, SOLICITORS, AND OTHERS.

Any charges included in a Bill of Costs for Proceedings previously to those connected with the preparation of the Bill, or the Notice or Plans for the same, or for other Proceedings which are not strictly Parliamentary, must be made out according to the Scale allowed in Courts of Law.

ATTENDANCES.

For every Attendance hereinafter specified, whenever the same shall be necessary and shall be actually had (but not otherwise), Parliamentary Agents will be entitled to the charges set down in the First Column, and Solicitors to the charges set down in the Second Column of this List.

At the House of Commons: At each of the following Proceedings in the House upon the Petition and Bill; viz.—	Parliamentary Agent. £. s. d.	Attorney or Solicitor. £. s. d.
Promoters:		
Attending to obtain Petition for Bill from the Private Bill Office, and get the same presented and Petition referred to Standing Orders Committee, or Bill ordered, or other Proceeding thereon - -	1 1 –	1 1 –*
First Reading of the Bill - - - - - -	1 1 –	1 1 –
Second Reading - - - - - - - -	1 1 –	1 1 –*
Report - - - - - - - - -	1 1 –	—
Consideration of Report - - - - - -	1 1 –	1 1 –*
Third Reading - - - - - - - -	1 1 –	1 1 –*
Consideration of Lords' Amendments - - - -	1 1 –	1 1 –
[*Note.*—The above Charges will include the Attendances upon Members at the House, who are to present Petitions, or to move any stage of the Bill in the House, and the drawing the requisite Motions, and also the Attendances upon Officers of the House in reference to matters connected with any stage of the Bill or other Proceeding; except under special circumstances. All other special attendances in reference to other proceedings in the House may be charged according to the circumstances of each case, in conformity with such parts of this List as may be applicable thereto.]		* When the Solicitor is also acting as Parliamentary Agent, he will be entitled to charge 2*l.* 2*s.* for his attendance at the House on these stages of the Bill.
Attendances before the *Examiners of Petitions* for Private Bills:		
Unopposed Cases:		
To prove compliance with the Standing Orders in the case of a Petition for a Bill, and obtaining indorsement by Examiner		
In First Class Bills - - - - - - - - -	2 2 –	2 2 –
In Second Class Bills - - - - - - - - -	3 3 –	3 3 –
If adjourned for further proofs, each subsequent attendance when the Examiner shall inquire into the same, or attending to apply for postponement or adjournment - - - -	1 1 –	1 1 –
Note.—Only one Attendance is allowed to be charged for Proofs before the Examiner in respect of the Standing Orders of both Houses, when the same are taken simultaneously.		

ATTENDANCES—*continued.*	Parliamentary Agent. £. s. d.	Attorney or Solicitor. £. s. d.
At the House of Commons—*continued.*		
Attendances before the *Examiners of Petitions* for Private Bills—*cont*^{d}.		
Unopposed Cases—continued.		
To prove compliance with the Standing Orders in the case of Bills from the House of Lords, Petitions for additional provision, or Bills introduced in lieu of other Bills which shall have been withdrawn - - - - - - - -	1 1 –	1 1 –
Opposed Cases:		
For every day on which Memorials complaining of non-compliance with the Standing Orders are inquired into by the Examiner (according to circumstances) - - - - -	from 3 3 – to 5 5 –	from 3 3 – to 5 5 –
For entering Appearances upon Memorials before the Examiner, and watching proceedings in case such Memorials are not called on, each day - - - - - - - - - -	from 2 2 – to 3 3 –	from 2 2 – to 3 3 –
[*Note.*—When an Agent or Solicitor appears and attends for two or more Memorials, complaining of non-compliance with the Standing Orders, on behalf of the same clients, against the same Bill, he will be entitled to charge one day's attendance only in respect of the same.]		
For every day on which a Petition for a Bill is on the Examiner's Daily List, but is not called on - - - - -	2 2 –	2 2 –
[*Note.*—When two or more Petitions for Bills, being promoted or opposed by or on behalf of the same clients, are appointed for consideration by the same Examiner on the same day, but are not called on, the Agents and Solicitors of such clients respectively will not be entitled to such charge in respect of each Petition for a Bill so promoted or opposed, but may charge any sum not exceeding 1*l.* 1*s.* for additional trouble (if any) in respect of each other Petition for a Bill on the same List; provided that in no case (except under special circumstances) shall a charge exceeding 5*l.* 5*s.* be made in respect of one such day's attendance on behalf of the same clients.]		
For every day on which Memorials complaining of non-compliance with the Standing Orders in the case of Bills from the House of Lords, Petitions for additional provision, or Bills introduced in lieu of other Bills which shall have been withdrawn are inquired into by the Examiner - -	from 2 2 – to 3 3 –	from 2 2 – to 3 3 –
Attendances before *Committees:*		
Attending the Standing Orders Committee each day in which the case is on the List, and is heard, postponed, or adjourned	2 2 –	2 2 –
Attending the Committee of Selection, or the General Committee on Railway and Canal Bills when required to attend with reference to the Grouping of the Bill, or the appointment of the Committee, or on other special and necessary occasions - - - - - - - - - - - -	1 1 –	from 1 1 – to 2 2 –
Committee on the Bill:		
Unopposed Bills:		
Attending when the Bill is considered by the Committee	from 2 2 – to 3 3 –	3 3 –
Under special circumstances in Railway and other Bills -	- - -	from 3 3 – to 5 5 –
Attending the Committee to apply for a Postponement or Adjournment - - - - - - - - - - -	1 1 –	1 1 –
Opposed Bills:		
Attending the Committee every day on which the Bill is considered by the Committee:—		
When the parties appear without Counsel (according to circumstances) - - - - - - - - - -	from 3 3 – to 5 5 –	from 3 3 – to 5 5 –
When the parties appear by Counsel and the Preamble is considered by the Committee - - - - - -	2 2 –	from 3 3 – to 5 5 –

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ATTENDANCES—*continued.*	Parliamentary Agent. £. s. d.	Attorney or Solicitor. £. s. d.
At the House of Commons—*continued.*		
Committee on the Bill—continued.		
Opposed Bills—continued.		
When the Clauses of the Bill are considered by the Committee	from 3 3 – to 5 5 –	from 3 3 – to 5 5 –
[*Note.*—When an Agent or Solicitor appears and attends for two or more Petitions against a Bill, on behalf of the same clients, he will be entitled to charge one day's attendance only in respect of the same.]		
Attending to watch Proceedings of a Committee on a Group of Bills, when the Bill in respect of which the Agent or Solicitor is concerned stands for consideration, but is not considered by the Committee, per day	2 2 –	2 2 –
Attending to withdraw a Petition	from 1 1 – to 2 2 –	from 1 1 – to 2 2 –
[*Note.*—When two or more Bills, being promoted or opposed by or on behalf of the same clients, are appointed for consideration by the Committee on the same day, but are postponed or adjourned without being considered, or are not separately considered by the Committee, the Agents or Solicitors of such clients respectively will not be entitled to such charge in respect of each Bill, so promoted or opposed; but may charge any sum not exceeding 1*l.* 1*s.* for additional trouble (if any) in respect of each other Bill so postponed or adjourned, or not separately considered; provided that in no case (except under special circumstances) shall a charge exceeding 5*l.* 5*s.* be made in respect of one such day's attendance upon the Committee on behalf of the same clients.]		
No charge is allowed for attendance of a clerk to the Solicitor on a Committee, except for the purpose of being examined as a Witness.		
Other Attendances, at the House, or elsewhere:—		
Special attendances upon Mr. Speaker or the Chairman of the Committee of Ways and Means, in reference to any Bill	1 1 –	1 1 –
Attending Members at the House on special and necessary occasions (other than moving the stages of the Bill)	1 1 –	1 1 –
First attendance on Mr. Speaker's Counsel to go through Bill	1 1 –	1 1 –
Subsequent attendances	– 10 6	– 13 4
Special attendances (not included in the Sessional Fee) upon Mr. Speaker's Secretary or other Officer of the House	– 10 6	– 13 4
Note.—Where more than one of the above attendances at the House take place on the same occasion with reference to the same Bill, not more than 1*l.* 1*s.* to be charged for all such attendances unless the time occupied shall exceed one hour.		
At Consultation with Counsel	1 1 – when required to attend.	1 1 –
On Counsel, at Chambers, with Retainer; Brief; to fix Consultation and pay Fee; with and for Draft Bill; and other Attendances when Fees are paid to Counsel	– – –	– 10 –
Attending at the Private Bill Office to deposit the Petition for the Bill, with Agent's Declaration and printed copy of the Bill annexed, and other printed copies of the Bill, and registering the Petition in the General List of Petitions	1 1 –	—
Note.—The making up the Petition, with Declaration and Bill annexed, is included in the above charge.		
Attending at the Private Bill Office to deposit Plan, Section and Book of Reference	1 1 –	1 1 –
Other Attendances at the House or Offices thereof	– 10 6	– 13 4

ATTENDANCES—*continued.* At the House of Commons—*continued.*	Parliamentary Agent. £. s. d.	Attorney or Solicitor. £. s. d.
Other Attendances, at the House, or elsewhere—continued.		
Attending to deposit other Documents required by the Standing Orders to be deposited (except Bills, Amendments, &c., the deposit of which, in certain cases, is included in the Sessional Fee). *See* II.	– 10 6	– 13 4
If at a distance, and for deposits with Parish Clerks, &c. (if numerous), Clerk's time and expenses are to be charged instead of the preceding.		
Note.—The charge for attending to deposit includes any charge for drawing a Memorandum of Documents deposited, and obtaining signature of the Depositor thereto, and the requisite copies of the same, except the same shall exceed one folio, when 1 *s.* 4 *d.* per folio may be charged for drawing the same, and 6 *d.* per folio for copies to hand in to Examiner or other requisite copies; it also includes the drawing and obtaining the Certificate or Receipt for such deposit.		
Attendances for the purpose of deposit cannot be charged both by Parliamentary Agent and Solicitor.		
Attending at the Private Bill Office to deposit Petitions in favour of or against any Private Bill, and registering the same; viz.		
If one Petition, or less than three	– 10 6	– 13 4
If three Petitions, and less than seven	1 1 –	1 1 –
If seven Petitions, and less than twelve	1 11 6	1 11 6
For any number exceeding twelve	2 2 –	2 2 –
Note.—The endorsing Petitions and preparing the same for deposit are included in the above Fees except when the same are prepared by the Solicitor, when from 3 *s.* 4 *d.* to 6 *s.* 8 *d.* is allowed for endorsing a Petition or set of Petitions, and transmitting the same to the Parliamentary Agent for the purpose of deposit (except when included in the Sessional Fee).		
On Taxing Officer, for the purpose of Taxation of a Bill of Costs	– 10 6 to 2 2 –	– 13 4 to 2 2 –
Note.—No charge is allowed for copies of a Bill of Costs for Taxation except when necessarily made for the purpose of depositing the same in the Taxing Office.		
On a Witness settling his Proof (if necessary)	– 6 8	– 6 8
Note.—If attendance requisite on many Witnesses on the same occasion, a charge to be made according to time occupied.		
The attendance on a Witness for the purpose of settling an Affidavit is included in the charge for drawing Affidavit.		
The attendance on the Witness previously to drawing his Proof, is included in the charge for instructions for Proof.		
With a Witness to be sworn	– 6 8	– 6 8
At Post Office registering and posting Applications and taking Receipt	– 10 6	– 13 4
Note.—The applications to Owners, Lessees and Occupiers should be made by post, if practicable, and more economical.		
Where personal service is required, a Clerk's time and expenses for the purpose of such service may be charged, except where such service can be more economically made through local Agents.		
Preparing and despatching Telegraphic Message	– 10 –	– 10 –
At Private Bill Office to take out Appearances	– 7 6	
Note.—Only one charge to be made for taking out Appearances on any number of Petitions from the same Clients on the same day.		
On Printer with instructions	– 6 8	– 6 8
Note.—When attendance to order proofs is charged, no charge is allowed for subsequent attendance to obtain proofs.		
No attendance to be charged for ordering further additional copies.		

Appendix, No. 6.

ATTENDANCES—*continued.*	Parliamentary Agent. £. s. d.	Attorney or Solicitor. £. s. d.
At the House of Commons—*continued.*		
Other Attendances, at the House, or elsewhere—continued.		
ATTENDANCES of a CLERK:		
Before a Committee or the Examiner to give Evidence -	– 10 6	– 10 6
If in favour of or against an opposed Bill, or in support of, or against Allegations of a Memorial - - - - - -	1 1 –	1 1 –
To order and obtain copies of a Petition or Petitions in favour of or against a Bill or other Documents - - - - -	– 7 6	– 6 8
Note.—Only one attendance is allowed to be charged for ordering and obtaining any number of Petitions against the same Bill at the same time.		
Other Attendances of a Clerk - - - - - - - - -	– 7 6	– 6 8
TIME CHARGES:		
For Attendances, &c.—		
Ordinary - - - - - - - - - - - -	– 10 6	from – 6 8 to – 13 4
If upwards of an hour - - - - - - - - - -	1 1 –	1 1 –
Or per hour - - - - - - - - - -	– 13 4	– 13 4
If required to leave London—		
Time per day - - - - - - - - -	4 4 –	4 4 –
Hotel Expenses and Fares actually paid. - - - - - - -	1 1 –	1 1 –
A Solicitor from the country absent from home in London, or elsewhere, is allowed—		
Time per day - - - - - - - - -	- - -	4 4 –
Hotel Expenses and Fares actually paid. - - - - - - -	- - -	1 1 –
Note.—The Day Charge includes all charges for work done during the day.		
Clerks: per day - - - - - - - - - - - - Hotel Expenses, and fares actually paid.	- - -	from 1 1 – to 2 2 –
Note.—In taking the Reference, and in serving Applications on Owners, &c., and making deposits with Parish Clerks, a charge of 1*l.* 11*s.* 6*d.* per day is allowed for each Clerk so employed.		

SESSIONAL OR SOLICITATION FEE for SOLICITING the BILL for the PROMOTERS by the Parliamentary Agent.

	£. s. d.
When the Bill has received the Royal Assent - - - - - - - -	26 5 –

[In case the Bill should not receive the Royal Assent, a Sessional Fee of Two Guineas and upwards may be charged according to the Class of Bill, and the progress made through its several stages.]

The Sessional Fee will include all Attendances not otherwise specially mentioned in this List, at the following Offices of the House of Commons; viz.—

At the House for the purpose of watching Proceedings, and Royal Assent.

Chairman of the Committee of Ways and Means:

To deposit Bills, Clauses and Amendments, and afterwards to obtain the same; and all other formal attendances.

SESSIONAL OR SOLICITATION FEE, &c.—*continued.*

Committee of Selection or General Committee on Railway and Canal Bills:

To deposit Bills, and on other occasions when not specially required to attend.

Mr. Speaker's Counsel:

To deposit Prints of Bills, and afterwards to obtain the same; and all other formal attendances.

Mr. Speaker's Secretary:

All formal attendances to leave amended Bills and Clauses, and to obtain the same agreed to.

The Examiner:

To deposit Bills, and apply for Appointments; and all formal attendances.

Private Bill Office:

To give Notices.

To examine Register with reference to deposit of Petitions or Memorials against Bill, and for other purposes, and other Books.

To deposit Prints of Bills, amended Bills, and copies of proposed Amendments.

Fee Office:

To pay Fees, and all other attendances in reference thereto, and with copies of Bills when required.

Journal Office:

To order and obtain copies of Reports, Petitions and other Papers; except in the case of Opposed Bills, when 7 *s.* 6 *d.* may be charged for attending to bespeak and afterwards to obtain the same.

Committee Clerks' Office:

To deposit Bills, and all ordinary attendances with reference to the progress of the Bill.

Doorkeepers:

To deliver Prints of Bills, &c.

Offices for the Sale of Parliamentary Papers:

To obtain printed Reports and other Papers required for use in the progress of the Bill.

The Sessional Fee will also cover all ordinary communications of the Agent with the Solicitor, with reference to the progress of the Bill through its various stages, when no professional advice or instruction is given.

SESSIONAL OR SOLICITATION FEE for SOLICITING the BILL for the PROMOTERS by the SOLICITOR, when a Parliamentary Agent is also employed.

When the Bill has received the Royal Assent - - - - - £. 10 10 –

[In case the Bill should not receive the Royal Assent, a Sessional Fee of Two Guineas and upwards may be charged according to the Class of Bill, and the progress made through its several stages.]

The Sessional Fee of the Solicitor will include all charges for his ordinary communications with the Parliamentary Agent, with reference to the progress of the Bill through its various stages, when no professional advice or instruction is given; delivering Documents to Parliamentary Agent for deposit; Attendances at the offices of the House to ascertain the position of the Bill; Attendances at the office for Sale of Parliamentary Papers; Attendances at the House to watch proceedings; and at the Royal Assent.

When no other Parliamentary Agent is employed, the Solicitor acting in that capacity will be entitled to the Sessional Fee of Parliamentary Agent, in lieu of that of Solicitor.

In cases of opposition to Bills, no Sessional Fee is allowed.

Appendix, No. 6.

DRAWING DOCUMENTS.

	£.	s.	d.
Special Instructions (if required), and Letters therewith:			
Notice:			
As to contents and publication	1	1	–
Plans:			
As to form and deposit of	1	1	–
Notice to Owners, Lessees and Occupiers:			
As to form and service thereof	–	10	6
Lists of Owners, &c.:			
As to form of	–	10	6
Note.—Any other Instructions as to the above Documents or other requirements of the Standing Orders to be charged as a Letter.			
Notice in Gazette or Newspaper:			
Instructions	–	13	4
If less than 11 folios	1	1	–
If more than 11 folios, per folio	–	2	–
Book of Reference:			
Per folio	–	2	–
Index to Book of Reference and Register therewith, containing the Answers received to Applications (including any necessary copies), per folio	–	1	4
Lists of Owners, Lessees and Occupiers:			
Per folio	–	2	–
Note.—The above charges include the entering the replies received from time to time for the purpose of such Drawing.			
Applications to Owners, Lessees and Occupiers of Lands and Houses:			
Drawing, and fair copy for service, each application (including the Letter of Assent, Dissent or Neutrality, left or forwarded therewith)	–	10	–
Each Notice of Abandonment and other Notice not being in the form set forth in Appendix (A.) to the Standing Orders	–	5	–
List of Applications to be posted or to be served by a Witness, and copy for signature, including the obtaining the signature of the Witness thereto:			
Each List	–	3	4
or, per folio	–	1	4
Note.—No second charge allowed for drawing the above Lists of Applications for the purpose of handing in to the Examiner, or other purpose, but only the charge for copying.			
Estimates of Expense and requisite copies	–	10	6
Declaration in lieu or in aid of Deposit of Money, and requisite copies	1	1	–
Declaration and Estimate, and requisite copies	1	11	6
Declaration under Standing Order 41, and requisite copies	1	1	–
Subscription Contract:			
Instructions	–	13	4
Per folio	–	1	4
Petition for Bill:			
If less than 11 folios	1	1	–
If more than 11 folios, per folio	–	2	–
Agent's Declaration, and Copies for deposit:			
1st Class Bill	1	1	–
2d Class Bill	2	2	–
Bill:			
Instructions	2	2	–
Drawing Bill, per folio	–	2	–
Additional clauses, per folio	–	2	–
Statements of Proofs on Standing Orders:			
Proofs previously to the introduction of the Bill:			
Parliamentary Agent:			
Drawing or perusing same, and fair copy, and forwarding same to Solicitor, together with Letter accompanying the same, and Instructions:			
1st Class Bill	1	1	–
Ditto where lands and houses are taken	1	11	6
2d Class Bill	2	2	–

DRAWING DOCUMENTS—*continued.*	£. s. d.
Statements of Proofs on Standing Orders—*continued.*	
Proofs previously to the introduction of the Bill—*continued.*	
Solicitor:	
Drawing or perusing and filling up the same, and arranging Lists referred to therein, and forwarding the same, with Letter accompanying, to the Parliamentary Agent:	
1st Class Bill	1 1 –
Ditto - - where lands and houses are taken	2 2 –
2d Class Bill	3 3 –
Parliamentary Agent:	
Perusing and finally arranging the same for proof before the Examiner:	
1st Class Bill	– 10 6
2d Class Bill	1 1 –
If the Solicitor is also acting as Parliamentary Agent, he may charge for Statement of Proofs, including final arrangement of the same:	
1st Class	2 2 –
Ditto - when lands and houses are taken	3 3 –
2d Class	4 4 –
Proofs subsequent to introduction of Bill:	
Solicitor	from 1 1 – to 2 2 –
Parliamentary Agent	from 1 1 – to 2 2 –
Or, if the Solicitor is also acting as Parliamentary Agent	from 2 2 – to 3 3 –
No other or further charge is allowed to Parliamentary Agent or Solicitor with reference to the preparation of the Statement of Proofs.	
Memorials complaining of Non-compliance with Standing Orders:	
Instructions	– 13 4
If less than 11 folios	1 1 –
If more than 11 folios, per folio	– 2 –
Statements for Standing Orders Committee (according to length and other circumstances)	from – 13 4 to 2 2 –
or, per brief sheet of 10 folios	– 13 4
Petition against Bill, and praying to be heard before the Committee:	
Instructions	– 13 4
If less than 11 folios	1 1 –
If more than 11 folios, per folio	– 2 –
Petitions for additional Provision, or for dispensing with Standing Orders:	
If less than 11 folios	1 1 –
If more than 11 folios, per folio	– 2 –
Other Petitions with reference to Bill:	
If less than 11 folios	– 13 4
If less than 15 folios	1 – –
If more than 15 folios, per sheet	– 13 4
or, per folio	– 1 4
Briefs:	
Instructions for Brief (according to circumstances).	
Drawing same, per brief sheet of 10 folios	– 13 4
Retainers to Counsel:	
Drawing and copy	– 10 –
Case for Opinion of Counsel:	
Instructions	– 13 4
Drawing, per sheet	– 13 4

Appendix, No. 6.

DRAWING DOCUMENTS—*continued.*

	£.	s.	d.
Proofs of Witnesses, or Notes for Cross-examination:			
Instructions (including, in case of Proofs of Witnesses, any previous Attendance on the Witness)	–	13	4
Drawing, per sheet	–	13	4
Statements, Reports, Abstracts, or other Documents prepared for use in Proceedings of The House, or in preparing to comply with the Standing Orders, per folio	–	1	4
or, per brief sheet of 10 folios	–	13	4
Affidavits (including attendance on the Witness):			
Each affidavit, including Lists attached thereto, and copy	–	10	–
or, per folio	–	1	4
Requisition for warrant for deposit of money and copy for signature	–	10	–
Warrant, and attendance to get same signed	–	10	–
Requisition for Certificate of Speaker	–	10	–
Certificate, and attendance to get same signed	–	10	–
Requisition for withdrawal of Petitions or Memorials	–	10	–
Motions, Special, for Members:			
Drawing and fair copy for Member	–	10	–
[*Note.*—Charges for drawing, and copies of all ordinary Motions on the several stages of the Bills, and other proceedings in the House, to be included in the Fees for Attendance.]			
Summons for Witnesses:			
Drawing, and copy for service	–	5	–
Other Documents connected with the case, and not specified above, per folio	–	1	–

Note.—In all cases the charge for Drawing any Document will include the fair copy to keep, or for Counsel or Agent to settle.

PARLIAMENTARY AGENTS' CHARGES

FOR PERUSING AND SETTLING DOCUMENTS DRAWN BY A SOLICITOR (when required).

	£.	s.	d.
Notices for Gazette and Newspapers:			
If less than 11 folios	1	1	–
If more than 11 folios (according to length and other circumstances)	from 1	1	– to 2	2	–
Petition for Bill:			
If less than 11 folios	1	1	–
If more than 11 folios	from 1	1	– to 2	2	–
(Or if the same shall exceed 50 folios, 1 *s.* per folio upon the whole Petition).			
Petitions for additional Provision, or for dispensing with the Standing Orders:			
Petitions against Bill, and praying to be heard before the Committee, or Memorial complaining of non-compliance with the Standing Orders:			
The same charges as for a Petition for a Bill.			
Other Petitions, against or in favour of Bills, each Petition	–	6	8
Statements for Standing Orders Committee, Reports and other Documents (if required), when the same have been drawn by the Solicitor (according to circumstances)	from –	6	8 to 1	1	–
or per brief sheet of 10 folios	–	6	8
Perusing and Settling Bills and preparing the same in Parliamentary form and for Press:			
For any Bill not exceeding 60 folios, according to the length of the Bill and the nature and extent of revision	from 2	2	– to 5	5	–
For any Bill exceeding 60 folios and less than 150, according to the length of the Bill, and the nature and extent of revision	from 5	5	– to 10	10	–

PARLIAMENTARY AGENTS' CHARGES, &c.—*continued.*	£.	s.	d.
Perusing and Settling Bills and preparing the same in Parliamentary form and for Press—*continued.*			
For any Bill exceeding 150 folios, according to the length of the Bill and the nature and extent of revision; but if above 10 *l.* 10 *s.*, not exceeding (except under special circumstances) one-half the charge for drawing any such Bill - - - - - - - - - -	5 and upwards.	5	–
Perusing and Settling Clauses and Amendments (according to length and other circumstances, but not exceeding 1 *s.* per folio).			
Note.—The charges for perusing and settling include a copy as perused and settled for own use, if required, and no copy is to be charged for the purpose of returning the same as settled.			
No charge is allowed for perusal and settling by the party who charges for the Drawing, but he may charge for a perusal (if necessary) of the Document as settled, according to circumstances, but not in any case exceeding half the charge allowed for perusal and settling of the Draft.			

PERUSALS.

Perusals, generally, should be charged by the time occupied, but if per folio, not exceeding - - - - - - - - - - - - - -	–	–	4
Obtaining and perusing Report of Board of Trade on Bill - - - - - -	–	10	6
Perusing a Petition or Memorial against Bill:			
If under 20 folios - - - - - - - - - - - - -	–	6	8
If above, per folio - - - - - - - - - - - - -	–	–	4

COPIES OF DOCUMENTS.

Books of Reference, Lists of Owners, Lessees and Occupiers, and other similar Documents required by the Standing Orders to be deposited:			
For the copies so deposited, when deposited in Manuscript, per folio (of 72 words or figures) - - - - - - - - - - - -	–	–	9
For such copies of other Documents as are included in Table (A.) annexed, per folio - - - - - - - - - - - - - - - -	–	–	6
For ingrossing Petitions, Memorials, and other Parliamentary Documents: Per folio - - - - - - - - - - - - - - -	–	–	9
Copies of Minutes of Evidence, and such copies as are not included in Table (A.):			
Per folio - - - - - - - - - - - - - - - -	–	–	4
Note.—For the number of copies allowed to be charged at 9 *d.* and 6 *d.* per folio, *vide* Table (A.)			

EXAMINING PRINTED DOCUMENTS.

Prints of Bills, &c.:			
Proofs - - - - - - - - - - - - - - - -	–	13	4
or, per page of print - - - - - - - - - - - -	–	1	–
Revises - - - - - - - - - - - - - - - -	–	6	8
or, per page of print - - - - - - - - - - - -	–	–	6
Ordering proofs of Estimate or Declaration, examining same and all Revises, and returning same to Printer, with instructions to print - - -	–	13	4

NOTICES IN GAZETTE AND NEWSPAPER:			
Each Newspaper:			
Forwarding Notice to Printer, with instructions - - - - - - - -	–	6	8
Examining proof, 3 *s.* 4 *d.* to - - - - - - - - - - - -	–	10	–
Returning proof, and ordering insertion for three weeks, or otherwise - - -	–	6	8
Examining Notice on each insertion - - - - - - - - - - -	–	3	4
If a Revise is necessary, an addition for ordering Revise and examining same, of each Revise - - - - - - - - - - - - -	–	10	–
No other or further charge is allowed with reference to printing the Notice.			

Appendix, No. 6.

MAKING UP COPIES OF BILLS AND FILLING UP AMENDMENTS.	£.	s.	d.
Blanking Bill, drawing Arrangement of Sections, and finally settling Bill for Printer	1	1	–
Making up Bill in Parliamentary form for House, and deposit of the same	1	1	–
Filling up Bills with Amendments:			
For the first copy } unless the Amendments be very numerous	–	6	8
For each other copy } unless the Amendments be very numerous	–	3	4
If new Clauses or Amendments be added, exceeding six folios, copies of the same may be charged at 6 *d.* per folio.			
Marking on print of Bill the Amendments made therein for Examiner	–	6	8
Note.—A manuscript copy of the Amendments is not allowed to be charged.			
Altering Bill as an Act, and attending Printer with instructions to strike off copies	–	10	6
MAKING UP DOCUMENTS:			
Examining and making up Plans and Books of Reference for the purpose of Deposit, each set	–	10	6
Ditto - Lists of Owners, &c., and other Documents deposited therewith	–	10	6
The examining and making up the deposits for the Parish Clerks to be charged according to the time occupied.			
LETTERS:			
Letters containing professional advice or instructions	–	5	–
If exceeding six folios in length	–	10	–
Other Letters	–	2	6
Note.—The ordinary Correspondence between Parliamentary Agents and Solicitors is not to be charged to their Clients, but such letters only as contain professional advice and instructions.			
Circulars	–	1	–

In cases for which no specific charge is stated in the foregoing Table, the charge is to be made out according to the time occupied.

TABLE (A.)

Copies allowed to be charged besides the Copy the charge for which is included in that for drawing.

PROMOTERS.

	Number of Copies	
	At 9 *d.* per Folio.	At 6 *d.* per Folio.
Notices:		
For *each* Gazette and Newspaper	–	1
Book of Reference:		
For *each* Deposit of entire Book of Reference (when deposited in Manuscript)	1	
Amongst Parish Clerks	1	
For marking Section for Applications	–	1
For Engineer (if necessary)	–	1
Lists of Owners, Lessees and Occupiers; for Deposit in Parliament	2	
Applications served by a Witness; for use before Examiner	–	2

PROMOTERS—*continued.*	Number of Copies: At 9 *d.* per Folio.	Number of Copies: At 6 *d.* per Folio.
Petition for Bill; Ingrossed Copy for deposit	1	
Bill; for Press	–	1
Statements of Proofs; for use before Examiner:		
For Agent	–	1
For Solicitor	–	1
For Examiner	–	2
Memorials:		
For Agent	–	1
For Solicitor	–	1
For Engineer (if necessary)	–	1
Statement for Standing Orders Committee:		
For Committee and use	–	3
Petition against Bill:		
For Agent	–	1
For Solicitor	–	1
For *each* Counsel	–	1
Briefs:		
For *each* Counsel	–	1
Proofs of Witnesses:		
For *each* Counsel	–	1
For Witness (if required)	–	1
Notes for Cross-examination:		
For *each* Counsel	–	1
OPPONENTS.		
Memorial:		
Ingrossed Copy for deposit	1	
For Agent	–	1
For Solicitor	–	1
For Examiner	–	2
Statement for Standing Orders Committee:		
For Committee and use	–	3
Petition against:		
Ingrossed Copy for deposit	1	
For Agent	–	1
For Solicitor	–	1
For *each* Counsel	–	1
Brief:		
For *each* Counsel	–	1
Proofs of Witnesses:		
For *each* Counsel	–	1
For Witness (if required)	–	1
Notes for Cross-examination:		
For *each* Counsel	–	1

The copies above enumerated are those ordinarily allowed to be charged. Any further copies of the Documents named in the foregoing Table, or any copies of Documents not named therein, which may be necessary for the case, are to be charged at the rate of 4 *d.* per folio.

Appendix, No. 6.

REASONS against the proposed Change in the CHARGE of COPYING PARLIAMENTARY DOCUMENTS authorised by the existing TABLE of FEES.

ENGLISH Solicitors, whether practising in Parliament, in conveyancing, in Chancery, or at common law, have, according to the present system of fees, chiefly to rely upon the copies of documents for their remuneration.

Unlike physicians, who take a guinea for a few minutes' consultation, and thus receive from 30 to 50 guineas a day for personal attendance; unlike barristers, whose briefs are endorsed with a fee proportioned to the magnitude of the interests at stake, and who are paid very highly for their personal labour, the Solicitor, even in Parliament, is not allowed to charge for personal attendance more than five guineas, and in Chancery and common law only three guineas or two guineas a day; whilst the talent and attention requisite in the latter profession are, though different in kind, in no degree inferior to that of the physician or counsel.

Moreover, physicians or barristers require no establishment; they can personally discharge all the duties required of them with the assistance, in the case of a barrister, of a clerk.

The Solicitor, on the contrary, requires a large establishment of skilled clerks, whom he has constantly to superintend, and the charges authorised for the work done by those clerks are practically recognised under the form of drawing and copying the documents incident to the duties of the profession.

In London and the large provincial towns a practice has grown up of employing to a great extent law stationers for the copying of documents; but throughout the provinces this is still done entirely by the clerks in the Solicitors' offices, as part of their ordinary business; and both in London and the country the important duty of comparing and examining the copies and seeing to their accuracy devolves upon the clerks of the Solicitors. The charge made for copying includes the remuneration for this as well as the actual writing.

The remuneration to the Solicitor mainly arises from the work done by his establishment. Although he may be in personal attendance upon his clients for the whole of every day, his own personal charges upon the recognised scale of fees bears a very small proportion to his total income.

In Scotland, the Writers to the Signet, standing in the same position as Solicitors in England, are allowed to charge a per-centage upon the value of the property the subject of conveyance, mortgage, or settlement; but no such charge is recognised in England.

We would beg here to refer to some remarks made by Lord Langdale, the late Master of the Rolls, bearing on the general question, in the case of Davenport *v.* Stafford (reported 8 Bevan, 516), in which he stated—

"Now, I have been informed that Solicitors frequently do charge for particular acts of business, which, upon the occasion to which they relate, may not have been necessary or required for the interests of their clients, and this because, in the taxation of costs for the whole business done, such charges are allowed; whilst the charges allowed for other services of the utmost value and importance, truly rendered to their clients, are so inadequate, that unless some compensation were allowed in another way, no adequate remuneration would, upon taxation, be given for the transaction of the whole business. It is much easier to censure than to remedy this state of things, which, under all the circumstances, is more to be regretted than blamed. The blame which there may be is more with higher authorities than with the Solicitors, who, having regard to the rules of taxation, cannot help themselves. The remedy, if any is to be found, must be had by the discovery of some improved mode of remunerating Solicitors, by which the remuneration may on every occasion be made adequate to the real and just value of the important services which are rendered."

Since these observations were made by his Lordship, extensive alterations have been made in the scale of costs at Law and in Equity; and in many cases additions have been made for the business done; but these alterations have not interfered with the allowance for copying; and although by a recent arrangement of the Court of Chancery affidavits are printed, Solicitors are allowed as if they were in manuscript.

Whether we refer to the Parliamentary Solicitors, to the Conveyancing Solicitors, or to the Common Law or Chancery Solicitors, it is equally true that the charge for documents drawn and copied constitutes the great bulk of income as remuneration for their labours in their profession.

It should also be understood that in all these branches of the profession whilst the drawing is only once charged, every copy, however numerous they may be, is the subject of a separate charge. In Common Law and Chancery the number of copies varies with the counsel or the parties to the suit.

In conveyancing, the copies of the abstracts, which are the greatest bulk, vary with the number of purchasers, who are sometimes very numerous.

In Parliamentary, the copies vary with the number of counsel, but in all branches of the profession several copies generally follow the drawing of every document, and though the charge for the copies is only in some instances one-half, and in others one-third of the charge for drawing, the profit on the copies is the greater of the two.

It would be manifestly unfair to interfere with the charge for copies which is the really remunerative item of all professional charges, unless the Solicitor could be put upon a par with the Physician or the Barrister, and his professional services be requited in such a manner as to render it unnecessary for him to make any charge for the labour performed by his clerks.

The charge for Parliamentary copies, compared with the charge for drawing documents, is in exact proportion with the relative charges for drawing and copying in conveyancing as well as in Common Law and Equity.

The lowest charge for copying in any of these departments is one-third of the charge for drawing. This is exactly the ratio in which the charge for copies of evidence is allowed in Parliament, and whilst the charge in conveyancing for that more accurate species of copying called engrossing is two-thirds of the charge for drawing, the highest charge authorised by Parliament for any copy, as in the case of a Book of Reference, in which extreme accuracy is required, is fixed at one-half the charge for drawing.

It has always been the practice of Parliament to allow a scale of remuneration to its practitioners at nearly double the scale allowed for conveyancing, and in Courts of Law and Equity.

It might be unnecessary to state reasons for a practice which has been universal in all past times, but it may be well to mention that this invariable practice has no doubt been founded, amongst other reasons, upon the facts—

1. That the business transacted in Parliament affects interests of such great importance, and is of such an absorbing nature, that it renders it necessary that a class of Solicitors should be engaged in it who can wholly devote themselves to its conduct. All Parliamentary Railway Business requires the personal superintendence and direction of Solicitors throughout its course, and in cases of extensive practice occupies frequently two, three and sometimes as many as four persons, to the great diminution of their individual profit. Parliamentary Solicitors are also compelled to engage clerks of superior attainments, and who like themselves must devote all their energies to the business, and they are consequently not eligible for other branches of the profession. The scale of remuneration paid to these clerks is infinitely greater than is paid to clerks in other branches of the profession; yearly salaries and remuneration amounting to from 300 *l.* to 600 *l.* per annum are paid, although the active business extends only from the middle of October to May or June; and in sessions of great paucity of business (which frequently occur) both the principals and clerks are but little occupied, while there is no diminution of expense. In addition to the rate of salary thus paid to managing clerks, Parliamentary Solicitors are compelled to engage a number of extra hands from about the middle of October until after the Standing Orders are declared complied with, at salaries varying from 10*s.* 6*d.* to one guinea per day. It is also necessary for Parliamentary Solicitors to engage offices in the neighbourhood of the Houses of Parliament, for which high rents are paid, and there is no doubt that the expense of their establishments for Parliamentary business are enormously increased.

2. That the Parliamentary business only occupies six or seven months of the year, whilst the staff engaged must be paid for the whole year, contrary to the practice in all other branches of the profession where the business is continuous throughout the year, except about two months during the Long Vacation.

3. That the extent of Parliamentary business varies in amount beyond any other class of professional business.

4. That Parliamentary business during five or six months so entirely engrosses the attention of the principal, that he is obliged to sacrifice every other department of professional business.

We submit, therefore, that the charge of 8*d.* per folio for copying Minutes of Evidence and general documents, and the charge of 1*s.* for copying books of reference, is consistent with the practice in other departments of the profession, is necessary to constitute fair remuneration to the Solicitor, and ought not to be interfered with unless the Solicitor's remuneration can be put upon an entirely new footing.

Note on Fees of Parliamentary Agents.

The remuneration for professional services must of necessity be arbitrary. It will depend upon the qualities and the acquirements which are assumed to be possessed by the members of the particular profession, the expenditure essential to its conduct, and the importance of the subject-matter with which it has to deal.

Thus, there is no reason, abstractedly, why the fee of a physician should be one guinea instead of 18*s.* or 12*s.* or any other sum that may be named; excepting that in his case eminent personal qualities, large acquirements, and considerable expenditure are necessary to the successful exercise of his profession, and the subject-matter with which he has to

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deal is of the highest importance. Hence the largest coin of the realm was deemed his fitting pecuniary remuneration for however short an interview or trivial advice.

Again, where the professional services are, to a great extent, continuous, the remuneration takes another and still more arbitrary form. For instance, an architect is paid by a commission upon his employer's outlay; a broker by a commission on the value of the commodity with which he deals; an apothecary, until recently, by the price of his medicines; a solicitor by direct remuneration upon a scale fixed arbitrarily for his own immediate services, and a profit fixed equally arbitrarily upon offices more or less mechanical which he does not, and is not expected to perform.

In the case of this last class of professional men, it has no doubt been the policy of late years to limit as narrowly as possible the sources, though not the scale, of their remuneration; because their intervention is essential to the suitor in order that he should obtain justice, or resist wrong; and those ends ought to be attained at the least possible cost. But even here the reduction of profit has arisen not from a diminution of the scale of fees, but by so simplifying the procedure of the courts as that the emoluments do not arise. They, however, who are most conversant with these matters affirm that the diminished emoluments operate to exclude from the exercise of those branches of the profession to which the reduction applies, men whose character and acquirements would otherwise render them valuable practitioners.

To apply these principles to the remuneration of Parliamentary Agents, by which we mean that class of professional men who devote themselves entirely to the soliciting and opposing of Bills in Parliament, and to the duties incidental to that occupation:

Of the personal qualities essential to a Parliamentary Agent it scarcely becomes us to speak; but we may remark that, for the successful exercise of their profession, they must acquire the confidence and exercise, by their advice, due influence over solicitors of the greatest experience and highest eminence; that they must likewise, not only for their own success, but for the easy transaction of the private business of Parliament, acquire the confidence of those Members and Officers of both Houses to whom Private Business is entrusted.

The acquirements or learning which they must bring to their task, beyond the ordinary education of gentlemen and some knowledge of law, is undoubtedly not recondite. But the practice of Parliament, its Standing Orders, the spirit of past legislation, and the changes, some minute, some important, which every Session introduces in private legislation, are matters which, judging from our experience, are not easy to be learnt; and the exercise of a profession to which that knowledge is essential, exacts the exclusive devotion of the professional man's time.

The expenditure necessary for carrying on the business of a Parliamentary Agent is very considerable: offices must be kept in the most expensive part of London; large outlay must be made for House fees and other expenses, with a punctuality to which the payment of clients rarely corresponds; and the salaries and other office expenses are constant in an essentially fluctuating business.

Of the subject-matter with which the Parliamentary Agent has to deal it is difficult to exaggerate the importance. The Bills usually relate to enterprises upon which vast capital is embarked, or on which the profitableness of capital already embarked depends; or perhaps they deal with the internal government of populous cities, or the supply of large districts with the necessaries of civilized life. But independently of its ulterior objects, each Bill derives intrinsic importance from the large expenditure which the prosecution of it involves, and all which may be lost (as indeed every Session produces instances of Bills being lost) by mere mismanagement.

The remuneration of the Parliamentary Agent depends, like that of a Solicitor, partly upon direct payment for his own personal services, partly upon the profit derived from labour which we have admitted to be to a great extent mechanical. It is proposed by the new Table of Fees to increase to some extent the former, and to diminish the latter source of profit. We contend that no change is called for in the scale of our fees, and that any diminution of the scale would be unjust to us.

The principal dissatisfaction with the costs of Parliamentary proceedings has been the charge for copies of evidence. In that charge we are little concerned: but without discussing the propriety or impropriety of that charge, we may remark that, with the exception, perhaps, of copies of petitions, all the documents which issue from our offices (memorials, clauses for committee, filled up Bills) require, and in fact have careful examination; and we hold ourselves responsible, as indeed we are responsible, to the officers of both Houses, and to the Members of the Committees for their accuracy.

If we are asked why the charge for copying should be 8*d.*, and not 7*d.*, or 4*d.*, or any other sum which should leave a profit beyond the absolute cost, we acknowledge ourselves at a loss to answer that question, excepting by the general reply—that the larger sum was fixed as a method of affording to us what, after careful deliberation, was deemed a fitting remuneration; and although we do not affect that any compact was made with us to that effect, yet undoubtedly a large number of us have entered into our profession with the conviction that the exercise of that profession would bring with it the emoluments which the existing scale of fees secures.

We affirm that it is impossible in our profession to acquire even a competence by one's own personal attendances. We may be obliged, and often are obliged, to spend a whole day in a Committee-room, either watching the progress of a Bill, with scarcely any intervention

vention on our own part, or else rendering slight and desultory services. For that day's attendance we cannot, and do not charge more than the prescribed sum. But meanwhile all the expenses of our offices are continued; and it is on the profit of the mechanical labour going on there that our income depends.

Nor is it fair to take as a measure of the profits of our profession the emoluments of those members of it who, from various causes, have a peculiarly large share of its business. In all callings, an accumulation of very small profits will produce considerable income. A fair test of the profits of our profession would be the income of a Parliamentary Agent, according to the definition which we have already given, who has only four or five Bills, and the oppositions connected with those Bills, to conduct. He would undoubtedly find himself, even according to the present scale, earning a very narrow livelihood.

Perhaps, rough as it is, a fit measure of the remuneration due to Parliamentary Agents may be obtained by seeing the average amount of their charges in the conduct of an opposed Bill which ultimately receives the Royal Assent. Those charges more frequently fall short of than exceed 230*l.* Eighteen years ago, before the Consolidation Bills passed, they almost always exceeded 400*l.*

Scarcely a Session passes without the occurrence of something which tends either to diminish the profits of Parliamentary Agents for the business which they have to conduct (such as Consolidation Bills; proof of compliance with Standing Orders, simultaneously for both Houses, &c.); but which also limits the subjects with which they have to deal. Few of us now recommend Improvement Bills; or if we do recommend them, we strive to confine them within very narrow limits. The Joint Stock Companies Act has superseded a large class of Bills. The Harbours and Piers Act, 1861, will gradually supersede another class. Inclosure Bills are unknown, and Drainage Bills are largely superseded by general Acts. The main bulk of business now consists of Railway Bills, the promotion of which depends upon the financial condition of the country, as a reference to the lists of them for the last 10 years will show. But the establishments must be maintained, and the time of the agent be absorbed for 10 Bills as for 40. And whatever the changes in private legislation may be, we are not able (like the solicitor and the barrister) to resort to other courts or other kinds of business in order to compensate us for the decay of that to which we have devoted ourselves.

Hence we may fairly state, what all of us more and more strongly feel, that our profession is precarious in its duration; that its emoluments have been from various causes very considerably diminished since many of us have joined it; and that still further to diminish those emoluments would be unjust to us, and would tend either to put an end to the profession of Parliamentary Agents as a separate avocation, or to alter the class of persons by whom that profession would be exercised.

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Appendix, No. 7.

PAPER delivered in by Lord *Charles Russell.*

RETURN of the EXPENSES incurred in serving ORDERS of the HOUSE for the Attendance of WITNESSES on PRIVATE BILL COMMITTEES during the last Ten Years.

SESSION.	Messengers Journeys on Private Business.
	£. s. d.
1853	36 18 11
1854	33 1 –
1855	20 12 8
1856	10 3 2
1857	25 14 –
1858	20 7 8
1859	12 11 6
1860	26 17 6
1861	9 7 –
1862	18 6 –

The Messengers are allowed their exact travelling expenses, and 14*s.* a day for hotel charges.

Charles J. F. Russell,
Serjeant-at-Arms.

Appendix, No. 8.

STATEMENT in connection with the EVIDENCE of Mr. *Whalley.*

STATEMENT of the Leading Features of SCHEME proposed by Mr. WHALLEY for Amendment of the present system of LEGISLATION relating to RAILWAYS.

MR. RICKARDS, the Counsel to the Speaker, and whose evidence before the Committee of 1858 shows that he has given special attention to the subject, has printed the views which he now entertains, and referring to Earl Grey's observations, states,—

"A scheme sketched out by Earl Grey appears to indicate the true principles on which an efficient tribunal for adjudicating upon railways should be constituted.

"An open and public inquiry, an uniform and consistent practice, continuous sittings, prompt despatch of business, and ultimately, though rarely to be exercised, yet reserved as a check for extreme cases, the supervision of Parliament."

And in reference to the proposed tribunal, Mr. Rickards states, and in this he is confirmed by the evidence of Mr. Beckett Denison, and others, given before the Committee of 1858:—

"In order to render such an intervention of Parliament less probable, and to bring the proposed tribunal into more direct connexion with and responsibility to Parliament, it might be expedient to provide that one member of the proposed Board should, as in the case of the Poor Law Board, be a member of one of the Houses of Parliament. The other members of the tribunal, for which three besides the Parliamentary member would probably be a sufficient number, should be persons qualified by position, character, and abilities to command the respect of the suitors and the public. And the advantage that is now alleged to be the most valuable feature of the present Committees would in great part be secured to the new Board if some of its members should be selected from that same class which now furnishes the most approved Chairmen of Private Bill Committees."

The first clause of the Bill now before the House anticipates, is in accordance with, and provides for every essential feature thus pointed out, so far as the constitution of the tribunal.

The words of the Clause are:—

"This Act shall be carried into execution by Commissioners of Board of Trade, together with such other persons, being members of Privy Council, as may be appointed for the special purpose of carrying out the provisions of the Act; and the Board of Trade shall appoint a Sub-Committee, consisting of five or more members, to be called the Railway Council, who shall, for the purposes of the Act, be deemed the Board of Trade."

Under this clause it will be competent for the Government to select members "from that same class which now furnishes the most approved Chairmen of Private Bill Committees;" and such members, being selected from both Houses of Parliament indifferently, will, in the words of Mr. Rickards, "bring the proposed tribunal into more direct connexion with, and responsibility to Parliament."

Whether the tribunal should consist of five or of three, how far it should be assimilated to the Poor Law Board, as suggested by Mr. Rickards, or whether the number of persons so appointed should be sufficient to allow of changes in the members (thus meeting the suggestion of some persons, that there is advantage in having different views represented on these Committees); on these points, as there may exist much difference of opinion, it is submitted that the clause is entitled to approval, in so far as it allows a latitude to the Board of Trade, and to the Government, to adapt their proceedings to one or other of these plans, as experience may dictate. The Poor Law Board and most other departments of the Government have thus worked themselves into a permanent form and constitution; and it may be assumed that the proposed Railway Council, exposed as it will be, both as to its constitution and its proceedings, to frequent discussion in Parliament, will quickly adopt that system best calculated to give weight to its decisions.

Mr. Rickards proceeds to state,—

"Such a tribunal sitting throughout the year, with the exception of a reasonable interval of vacation, would unquestionably be able to adjudicate upon as large a number of schemes as, according to present experience, would be likely to apply for their sanction.

"Many matters of routine, such as the authorisation of increased capital, of the creation of new classes of shares, or of the extension of time for works, &c., would be promptly disposed of, according to uniform rules of practice, without going through the solemn forms of a judicial hearing.

"The interests of the public, which are now quite unrepresented before the Committees, except so far as they may chance to coincide with the interests of an opposing party, would be likely to receive much more regard from such a tribunal as is proposed, than can be expected under the present system."

The Bill provides in its details for each of the foregoing suggestions, and, with reference to the last mentioned, of the interests of the public.

The second clause provides for the appointment by the Board of such person as they may deem

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deem necessary, with a view to making local inquiries and inspections for their guidance in deciding on the question brought before them.

In this respect, the only essential difference between the present system, as carried on before Committees of the House, and that as proposed before the Railway Council, is the following:—

At present, the promoters of any railway are required to incur all the costs incident to surveys, and all the contention that may arise thereon, involving necessarily a very large sum, and in many cases, nearly as much as might be sufficient to complete a large portion of the work itself, before they can obtain a decision on the preliminary and most essential question, whether the project is for the public advantage.

To obviate this hardship, the operation of which is to deter *bonâ fide* projects, and to place these public works, both in their initiation and subsequent action, in the hands of speculative professional agents, the Bill proposes—

Clause 10. That the project shall be first submitted to, and approved by, the Railway Council, as a public advantage, preliminary to the detailed preparation of surveys or other matters requisite to carry out the details of the measure.

All the other provisions of the Bill are directed to inform the public and to direct the Council as to the course of proceeding, with a view to afford individuals and the public the fullest opportunity of opposing or supporting any project, either as to its principle or details; and these provisions being adopted, for the most part, from the Inclosure and other Acts which have worked both satisfactorily and economically, will, it is believed, require little revision.

FURTHER STATEMENT of the SCHEME as proposed by Mr. *Whalley*, with the Clauses of the following proposed Bill, and the Appropriation of such Clauses; referring to those Acts from which many of those Clauses are adopted; preceded by a general Statement of the Defects in the present System, for which it is proposed to provide a remedy.

THE leading objections to the present system of Private Bill Legislation relating to Railways are the following:—

1st. As to new projects: the entire cost of surveys, with all the incidental charges of notices and the settlement of every individual grievance or objection arising out of the entire project, the promoters are required to incur before it can be ascertained whether the project itself is entitled to the recognition of Parliament.

In other words, the Preamble of the Bill, which merely asserts that a Railway is required between A. and B., is not brought under discussion until the Promoters have completed all the work of the surveys in every detail, and have incurred the cost of meeting and disposing of every objection that can be raised to every detail of the scheme.

2d. The costs so incurred are in all cases needlessly heavy, and in many cases so enormous as to affect the entire scope and operation of the project, converting into a loss to the Promoters that which but for such extraordinary expenditure would have been a profit; and inasmuch as there are no means beforehand of estimating such costs, the Promoters being in that respect entirely at the mercy of their opponents, it tends to reduce these new projects from the position of legitimate enterprises to that of mere professional speculations in their initiative, and which character continues to affect their subsequent action, making them in all respects less valuable, not only to the Promoters, but also to the public, than but for such defects in their origin they would be.

3d. The tribunals by which the questions arising upon these projects are decided have every defect that can possibly attend any judicial tribunal: first, being composed of a fluctuating body, each Committee, in each successive Session being as diverse in its composition as an ordinary jury, is called upon to adjudicate not like a jury upon certain defined issues, and to estimate the evidence bearing upon them, but, in so far as it is a question of fact, they have no means of ascertaining for themselves, nor of directing the parties before them, as to what are the questions in issue to which the evidence should be directed, so that each member of every Committee must necessarily form for himself, out of the mass of evidence that may be adduced, the issues which he may deem material, and then apply, each one for himself, the evidence as he may deem it bearing on such issue, a course of proceeding that necessarily involves the inquiry in an inextricable mass of matters, relevant and irrelevant, which has no end in hotly contested cases except the utter weariness of the Committee and the mutual exhaustion of the litigants.

This will be best understood by comparing such inquiries with the questions debated before a jury.

There the parties themselves, by pleading, settle before they come into court, what is the question or questions in dispute, so that the jury have their attention confined to that question or questions, and to say yes or no.

Then as to any principle which should control the inquiry, apart from the evidence as to the facts, the jury have the direction of the judge, who informs them upon the law; whereas

whereas there is no law, no principle, recognised by the Committees in regard to Private Bill legislation; the chairman, who is the only approximation to the judge in a court of law, adopts for the time being his own notion of public interests, and in so far as the Committee concurs with him, such is the law in that particular case; but as the litigants cannot possibly know beforehand what views the chairman may take, and as it is notorious, and almost necessary, that one Chairman of Committees adopts views in respect of Railway matters totally at variance with those of others, and there being no practicable court of appeal, and this uncertainty having to be encountered in two separate courts, acting entirely independent the one of the other, the result is, that while those who desire to promote some useful public enterprise are exposed to the very utmost risk and uncertainty as to the result, their opponents, who are generally powerful and determined in defence of some vested or private interest in the same degree that the project is itself a public benefit, have unlimited opportunities of subjecting the project to enormous cost, and every inducement that can be offered by the fact of having two different tribunals, neither of them acting upon any definite principles that can be known beforehand to do so.

It is unnecessary to enumerate instances; but the case of the Oswestry and Whitchurch Company before Parliament last year (in which upwards of 60,000*l.* was expended, before power could be obtained to begin the works of the Railway, only 18 miles in length) is but an ordinary instance of the result of the present system, a sum which represents a large proportion of the actual cost of the works on such line.

Assuming that it is for the benefit of the public that capitalists should be allowed, and in fact, induced to invest their money in constructing railways; bearing in mind that Railways are not only a public benefit, the advantages they confer on their districts being, in fact, found by experience to be unqualified by any disadvantages whatever, or even any detriment to any recognised public interest, but that they are to those districts yet unprovided with them an absolute necessity, in order to avert deterioration of every kind of property, and decay of agriculture and manufactures, the utter annihilation of all mining enterprises, and the inevitable decay and desolation of towns and all the interests connected therewith; then it is time that some remedy should be devised for the evils universally recognised and complained of, which have been above partly set forth.

To which it may be added that all other public enterprises which still require Parliamentary sanction come under the same injurious influence, and admit of and require like remedies.

The following is a short statement of the remedy proposed, of which a synopsis is annexed.

1st. Instead of requiring the promoters of a Railway to initiate their proceedings by an elaborate and costly survey, involving notices to every individual landowner and occupier whose land is required, and the summoning up every objection, whether *bonâ fide* objection of landowners, or through the landowners and their fictitious opposition, the objections of those who, but for such fiction, would not be allowed to be heard, it is proposed that Promoters should be required, in the first instance, to submit to a department of the Government a statement of their project; as, for instance, a Railway from A. to B., with such reasons as may enable the department to investigate whether such a work, if completed, would be to the public advantage, such application, and the statements required to accompany it, being exactly analogous to that which is now submitted to the Inclosure Commissioners by parties who may desire an inclosure of waste lands.

Upon receipt of such application, verified by responsible parties, the department would cause such inquiry to be made and such notices to be given as they may deem fit; the machinery of the Inclosure Commission, derived as that was from the prior experience of the Tithe Commission, being admirably adapted for the most searching investigation, either locally or otherwise, that can be possibly required.

If the department, say the Board of Trade, in conjunction with the Inclosure Commission, should decide that the project would be useful to the public, then a certificate, corresponding to that now issued under like circumstances for an inclosure, would be granted, authorising a complete survey to be made, with notice to all parties affected, to be followed by local investigation, and settlement, by a competent person employed by the department, of all objection which might arise upon the detailed survey so made under the certificate.

Still, following the precedent of the Tithe and Inclosure proceedings, local inquiries would be under the direct supervision and control of the department, and, through the President of the Board of Trade, or other ministerial representative, subject to the control and supervision of Parliament.

All objections having been thus disposed of, it is proposed that the project should then be submitted for the approval of Parliament, exactly as Inclosure Bills are now submitted; and that, except on specific motion for that purpose, whereupon all dereliction of duty and all error in principle, might be most fully discussed and exposed, the Act for such Railway should be passed without further inquiry before any Parliamentary Committee.

Such is the scheme of the remedy now proposed, and it will be found to be in accordance not only with the experience under the Tithe Commutation and Inclosure Acts, but also to supply the defects which a previous experiment for relieving the House of the burden of this Private Bill legislation disclosed; that experiment was made in 1847 and 1848, by an Act called the Preliminary Inquiries Act, which, though not including Railways, is still partly in force in respect to Admiralty questions, and on such questions extends to Railways.

It will be found also, that the plan of procedure now proposed corresponds, so far as the nature of their local institutions admit, with that adopted in France and other countries;

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and which, so far as is generally known, presents no appreciable defects, but, on the contrary, has been, as it is believed, the chief reason why foreign Railways are found to be remunerative to about double of our own: in confirmation of which, the following statement is presented by a French advocate of great experience on this subject:

French Preliminaries for obtaining Concession of a Line of Railway.

LETTER from M. *Courtois*, Avocat Français.

To enable you to obtain concession of a Railway, the law in France, like that in England, enacts an administrative inquiry; but in France this inquiry is much more simple. It consists in this:—

There is deposited in the chief place of each department through which the projected Railway passes, first, a prospectus, showing a general tracing of the line of works, and the principal dispositions of those requiring the most important handicraft, together with a short estimate of the expense; secondly, a plan showing the length of survey, with the requisite number of transversal sections; and, thirdly, a descriptive account, showing the main object of the Undertaking, and the expected advantages to be derived from it, together with particulars of the tariff of dues, the produce of which will be set apart for covering the expenses of the projected works.

A notice inserted in the county journal, and others affixed on public places, announcing the opening of this inquest, which must continue one month at least, and three months at most. A register is then opened, in order that any one may inscribe his observations therein.

At the chief place in each of the departments through which the line is intended to pass, a commission is appointed, consisting of nine members at the least and 13 at the most, chosen as nearly as possible from the principal owners of lands, woods, and mines; from merchants, shipowners, and the heads of the manufacturing establishments. The members and the chairman of the commission are all appointed by the prefect, at the opening of the inquest.

At the expiration of the term fixed for the inquest the commission assembles immediately. It examines the declarations inscribed in the register books of the inquiry; it hears the engineers of roads and bridges and of mines employed in the department, and, after having collected, as near as may be, from the persons whom it deems necessary to consult, all the information of which, to their belief, it stands in need, it delivers its judgment as well upon the utility of the Undertaking as upon the different questions which have been put to it by the management. These various operations, of which it draws up a written statement, must be terminated within the space of one month.

This written statement, together with the register books and all the documents, are transmitted to the prefect, who in his turn re-transmits them to the minister within 15 days following the close of the written statement. Moreover, the chambers of commerce and the consulting chambers of trade and handicraft which are within the line of survey, are called upon to give their opinions within a short space of time.

All this can be effected easily in a few months without incurring any other expenses than those of the prospectus, and of the general plans which must be annexed to it, showing the outline, the indication of the principal works of handicraft to be done, such as bridges, viaducts, cutting tunnels, and the explanatory statement which I have mentioned above; to which must be added the expenses of the insertion, and of affixing the notices.

This mode of procedure differs from yours, especially in two points:

1st. It may be said that the prospectus is merely a sketch, because it is only when the concession is obtained that the law prescribes the laying down plotted plans of the grounds through which the Railway must pass, with an indication of their extent, and the names of the owners and occupiers.

2d. The interest of the landowners is protected, first, by the advertisements and the notices, then by the right of making their declarations in the register book, and afterwards by the commission which represents them, and by the chambers of commerce and the consulting chambers, but the individual notices are not given to them. It is only when the law of concession is granted that the owners and occupiers of lands receive a collective advertisement forthwith to take notice of the plotted plans on which their lands are marked. In this case a second inquest is opened in the principal places of the arrondissement, or rather in the mayoralty of each commune.

Then the council of the arrondissement is called upon to give its advice, and it is only after these formalities have been complied with that the tribunals decree the expropriation of each parcel of land. Then comes the adjustment of price—either an amicable one, or by a jury composed of the principal landowners of the arrondissement, assembled together by the judges.

As to the rest, I am only making here an analysis of the dispositions of the law of 3d May 1841, and of the Statutory Ordinances of the 18th February 1834. You will find in these two Acts the whole of the French legislation upon this subject.

During the 20 years that I have practised at the bar, I have transacted a multiplicity of business in Railway expropriations, particularly those on the Calais line, which passes through the arrondissement of St. Omer. I can assure you that the interests of the landowners are perfectly secured.

It

It is absurd, according to my idea, to exact from those who ask a concession anything beyond a prospectus compelling them to define the project itself, as though it ought to be admitted and executed, and of addressing themselves individually to the landowners; that is to say, of absolutely doing, before being certain of obtaining the concession, that which is only done in France when the concession is obtained.

A. Courtois.

The proposed measures will probably receive considerable opposition from large and influential classes of professional men, who, like the proctors of the old Courts of Doctors' Commons, have grown around this system; and the arguments which they have heretofore most relied upon are—

That it would be in some way inconsistent with the theory of our Parliamentary constitution that inquiries into the claims of private legislation should be conducted by a Government department, and that the Members of the Houses of Parliament would not be willing to surrender, and ought not to do so, the direct personal control which they now exercise in Committee on such questions.

To which it may be replied, that the whole system is entirely at variance with the theory and constitution of Parliament.

When a Railway or other private Bill is brought before either House for its sanction, creating thereby a new law as to the matters contained in it, the theory of our constitution demands that such Bill should be introduced by, or should have received the sanction of the responsible Ministers of the Crown, they having far better means of ascertaining whether such law ought to be enacted than any tribunal that can be, as it were, extemporised by either House of Parliament, and offering in their personal character and their ministerial responsibility, the best possible guarantee for the due exercise of their office in this respect; and, if it be suggested that it confers upon the Crown and its Ministers power and patronage which may be used adversely to the public interest in Parliament, the reply is, that, in proportion to the increase of any such Private Bill legislation, is also the increase of that public wealth, enterprise, population, and public influence which, by any rule that can be adopted, would far more than correct in the Parliamentary debates and divisions any such addition to the power and patronage of the Minister of the day.

That this, however, is altogether an imaginary danger is apparent from the action of the Tithe and Inclosure Commissions before quoted, against which no allegation has ever been made, even in debate, of being made an instrument by any Government for political purposes.

As to the appeal which, with so much apparent candour, is made to the Members themselves not to surrender control which is supposed to add weight and authority to their Parliamentary position, it may be assumed that Parliament collectively will recognise the fact that the labour which is imposed on its Members, of these arduous and protracted inquiries greatly interferes with the discharge of the duties which can only be discharged by themselves in full session of the House; for how is it possible that a Member of the House of Commons can sit from eleven to four listening to details of private interests, and then give the continuous attention which he may desire to do to the public questions of the House? and if by such interruptions he is prevented from reading the public reports and documents daily furnished to him, even though such interruption may be but for the few weeks in which he may be so engaged, yet it will so far affect his general information and interest in public business, as to deprive the country of the benefit of his services; it being borne in mind, too, that, as to the Chairmen of these Committees, some of the best men in Parliament are generally selected; for instance, Mr. Scolefield, Lord Stanley, Mr. Wilson Patten, and others, who are, to a great extent, wholly absorbed through the session in these private investigations.

All the time and attention that Members of Parliament can devote to those public questions for which they are accountable to their constituents and the country are not sufficient to enable them to master the details of more than a very small proportion of the public matters on which they have to vote; and it not unfrequently happens that enquiries which Parliament has ordered are postponed or curtailed by the pre-occupation of available Members on Private Business Committees. And in reply to those who think that the House of Commons would lose its efficiency as a check upon the Executive Government, if they were to surrender to them the inquiry into these private questions, it may be suggested that the Government might as reasonably be supposed to have devised the present system for the express purpose of exhausting the time and attention of the best Members of the House in such laborious and unimportant duties, and thus leave the Government free to deal with great questions with comparative freedom from control.

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THE TITLE OF THE BILL

MAY be further explained to be, to diminish expense, and to establish uniformity in the jurisdiction of Parliament. The last named being absolutely essential to the attainment of the former; for so long as there are no fixed principles, any court becomes necessarily a lottery to which persons resort for the mere chance of obtaining their ends, such in fact as the Committee are described by Mr. Hope Scott.

Mr. Cardwell's Committee of 1853 proposed those objects, and the evidence before the Committee of 1858 declared unanimously that they had not been achieved.

The principle of this Bill is to establish a permanent tribunal having sufficient weight in itself, and so much affinity with Parliament as to induce confidence in its decisions.

If that has been achieved, it is of little importance, comparatively, whether the details now proposed are such as will fully and satisfactorily work; because this tribunal will necessarily command the confidence of Parliament for any corrections or additions to these provisions which may from time to time be proposed as the result of experience.

Clause **1.**—The following is the mode of operation which it may be anticipated would result from this power.

A sufficient number of gentlemen would be added to the Board of Trade to enable it to constitute two or three committees, say 20.

Most of these would be Members of one or other House of Parliament, and each council might combine Peers and Commons.

Permanent chairmen would be appointed, say three, and these would constitute a permanent executive for the purpose of superintending the correspondence and general business of the department, exactly as the Boards of Tithe and Inclosure or Charity Commissions, and, it may be expected, they will ultimately have adequate salaries.

If the local inquiries and the Reports of the Commissioners were not objected to, and no rehearing required, the chairman would at once report to Parliament.

If a rehearing should be required, they would summon a council, and they would either confirm the Commissioners' report, or direct a further local inquiry, either by the same person alone, or with an additional Commissioner or others as the case might require. Any question that either party might desire to reserve for first adjudication by the council, such as a great question of competition, or any special residential damage, would be so reserved, and first heard by the council, and thus prevent any prejudice by local inquiry.

If questions arose of sufficient importance, the council might summon Committee of Board of Trade to hear the arguments, and vote on report to Parliament. Board comprises First Lord and Principal Secretary, and all great officers of state in England and Ireland. The Judicial Committee of Privy Council is analogous to proposed Board.

Clause **2.**—Under the Tithe Commutation Act, questions of moduses and exemption, involving thousands a year, and under the Inclosure Act, questions of manorial rights, boundaries of parishes and counties, are now daily adjudicated. The Tithe Act superseded and mainly led to the abolition of the Equity Court of the Exchequer; which, if possible, was more oppressive than the Court of Chancery; and though Railway questions widely differ from such subjects, there is nothing in such difference to disqualify men of ability and experience from dealing with them under proper supervision and appeal. The very few appeals to the courts in the tithe and inclosure adjudications suggest, that there will be corresponding satisfaction in the exercise of these duties; while the appeal afforded to the council, will be far less onerous than to courts of law or equity.

Clauses **3** to **8**. These are mere formal regulations which have been fully tested under the operation of the acts from which the clauses have been transcribed.

A proposed BILL for diminishing the EXPENSE attending the passing of BILLS relating to RAILWAYS, and affording Facilities for obtaining Ample and Trustworthy Information thereon.

WHEREAS it is expedient to lessen the preliminary and other expenses incident to the introduction and passing of Railway Acts through either House of Parliament, and to afford facilities for procuring more complete and trustworthy information in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: Preamble.

PART I.

By whom the Provisions of the present Act shall be carried into execution.

1. This Act shall be carried into execution by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations commonly designated "the Board of Trade," together with such other persons, being members of Her Majesty's said Privy Council, as may be from time to time appointed by Her Majesty to be Lords of the said Committee for the special purpose of aiding and carrying out the provisions of this Act; and it shall be lawful for the said Committee to appoint from their body a Sub-Committee, consisting of Five or more members (Four of whom shall be a quorum), to be styled "The Railway Council of the Board of Trade," and such council shall, for the purposes of this Act, have all the powers and authorities hereby vested in the said Board of Trade. Board of Trade to carry Act into execution.

2. The Board of Trade shall from time to time appoint a sufficient number of persons to be Commissioners, inspecting officers, shorthand writers, clerks, messengers, and other officers as they shall deem necessary, and to remove the same or any of them, and on any vacancy in any of the said offices to appoint some other person thereto; and the persons so appointed shall assist in carrying this Act into execution at such places and in such manner as the Board of Trade may direct: Provided always, that the said Commissioners so to be appointed shall be barristers of Seven years standing at the least, and the said inspecting officers skilful and efficient civil engineers. Power to appoint Commissioners and other officers. 6 & 7 Will. 4, c. 71, s. 4; 8 & 9 Vict. c. 118, s. 4. Commissioners to be barristers of seven years standing at the least.

3. No Commissioner appointed as aforesaid shall, during his continuance in such office be capable of being elected, or of sitting as a Member of the House of Commons. Commissioners not to sit in House of Commons.

4. The allowance to the Commissioners, inspecting officers, and shorthand writers, and the salaries of such clerks, messengers, and other officers to be appointed under this Act shall be from time to time regulated by the Commissioners of Her Majesty's Treasury; but nevertheless so that the allowance of a Commissioner shall not exceed the sum of pounds, nor that to an inspecting officer the sum of pounds, nor that to a shorthand writer the sum of pounds for every day that he shall be actually employed or travelling in the performance of his official duties, and that the salaries of the clerks, messengers, and other officers shall be in fit proportion: Provided always, that the said Commissioners of the Treasury may allow to any Commissioners, inspecting officers, shorthand writers, clerks, messengers, and other officers any such reasonable travelling and other expenses as may have been incurred by him in the performance of his duties under this Act, in addition to his salary or allowance respectively. 6 & 7 Will. 4, c. 71, s. 5. Salaries and allowance to Commissioners and other officers. 6 & 7 Will. 4, c. 71, s. 7; 8 & 9 Vict. c. 118, s. 6.

5. Every such Commissioner, before he enters upon the execution of his office shall take the following oath before any of the judges of the courts of common law; that is to say: Commissioner to take an oath. 6 & 7 Will. 4, c. 71, s. 9; 8 & 9 Vict. c. 118, s. 8.

I, *A. B.*, do swear that I will faithfully, impartially, and honestly, according to the best Form of oath.

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best of my skill and judgment, fulfil all the powers and duties of a Commisssioner, under an Act passed in the year of the reign of Queen Victoria, entitled "An Act to regulate the mode of Procedure as to the Introduction and passing of Railway Acts."

Appointment to be published in the London Gazette.

And the appointment of every such Commissioner, with the time when, and the name of the judge before whom he shall have taken the oath aforesaid, shall be forthwith published in the London Gazette.

Board of Trade and Commissioner may summon and examine witnesses. 6 & 7 Will. 4, c. 71, s. 10; 8 & 9 Vict. c. 118, s. 9.

6. The Board of Trade or any Commissioner may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit, to examine upon any matter brought before them as hereinafter mentioned, and also make any inquiries and call for any answer or return as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced before them or him all books, deeds, contracts, agreements, accounts, writings, maps, plans, surveys, and other documents or copies thereof respectively in anywise relating to any such matter: Provided always, that no such person shall be required, in obedience to any such summons, to produce any deeds, papers, or writings relating to the title of any lands through which the projected line of Railway may pass.

Penalty for neglecting or refusing to attend such summons. 9 & 10 Vict. c. 106, s. 4.

7. In case any person shall wilfully neglect or refuse to attend such summons, or to produce such documents as he may be required, or to answer upon oath such questions as may be put to him under the provisions herein contained, such person shall incur a penalty not exceeding Fifty pounds, which may be recovered in the county court of the district in which such person shall have been summoned, and on conviction of the offender, and in default of payment of such penalty, together with the costs of suit, the judge of the said court shall be empowered to enforce payment of the same by an execution against the goods and chattels of the offender or by imprisonment in case of an insufficiency of assets, according to the ordinary mode of procedure for the recovery of debts in such court; and such penalty so recovered shall be paid to the overseers of the parish, township, or district within which such conviction shall take place in aid of the rate for the relief of the poor.

False evidence to be deemed perjury; altering or destroying documents a misdemeanor. 6 & 7 Will. 4, c. 71, s. 93; 8 & 9 Vict. c. 118, s. 144.

8. If any person under the provisions of this Act shall wilfully give false evidence, or make or subscribe a false affidavit or declaration, for the purposes of this Act, he shall be deemed guilty of perjury, and shall suffer the penalties incident thereto; and if any person shall wilfully alter, withhold, or destroy any book, deed, writing, map, plan, survey, or other document, or any copy of the same, which may be lawfully required to be produced before the said Board or Commissioner, he shall be deemed guilty of a misdemeanor, and punishable accordingly.

Board of Trade, &c., may delegate powers to Commissioners, except the powers to be exercised under their seal. 6 & 7 W. 4, c. 71, s. 11; 8 & 9 Vict. c. 118, s. 10.

9. The Board of Trade may delegate to their Commissioners such of the powers hereby given to the said Board as they shall think fit (except the power of confirming any act herein required to be done under the seal of the said Board), and the powers so delegated shall be exercised under such regulations as the said Board shall direct; and the said Board may at any time recall or alter all or any of the powers delegated as aforesaid, and notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by any such Commissioner in pursuance of such delegated powers, shall be obeyed by all persons as if they had proceeded from the said Board, and the non-observance thereof shall be punishable in like manner.

Part II.

As to Notice of Application for projected Line of Railway, or for additional Powers to any Railway Company, and Examination into its Merits by Board of Trade previous to bringing in an Act.

Notice to be given to the Board of Trade, &c., by promoters intending to apply for an Act to construct railway. 8 & 9 Vict. c. 118, s. 25.

10. In any case where it is intended to apply for an Act of Parliament to construct a Railway, or for continuing, altering, or enlarging any of the powers or provisions contained in any present Act relating to Railways, either by giving powers of amalgamation or working arrangements between companies, powers of subscribing to other companies, purchasing property not contemplated by their Acts of Parliament, or by carrying on some work not within the provisions thereof, for fresh arrangements as to capital, consolidation of companies' Acts, extending the time for the construction of a Railway or its abandonment, or any other matter relating to any Railway or projected Railway, a notice in writing of such intended application, signed by the Promoters or their duly authorised agent, but in regard to existing Companies subject to the conditions hereinafter contained, shall be sent or delivered to the Board of Trade, and there shall be attached to such notice, where applicable, a map or plan with a longitudinal section delineating a general outline or demarcation of such intended construction, together with any lateral deviation as to its length in miles and furlongs, and the extent of lands through which it passes, including a description of parks and ornamental grounds; such map or plan to be prepared either from actual

Clauses **3** to **8**.—These are mere formal regulations, which have been fully tested under the operation of the Acts from which the clauses have been transcribed.

Clause **9**.—Previous to any local inquiry, all persons affected will have the opportunity of apprising the Board of their objections, and if they desire that more objections should be first heard by the council to submit their views to that effect, and under this clause the council or the executive authority of the Board will be enabled to limit the local inquiry accordingly, and all such proceedings will be subject to the supervision of Parliament when the report of the council is presented; *see* Clause 15.

Clause **10**.—The object and effect contemplated by this clause is to enable promoters to obtain an adjudication upon the general merits of their project, prior to incurring the expenses incident to the completion of all its details; in other words, to get the preamble settled without involving themselves in the risk of the enormous costs which, under the present system, are necessarily incurred in maturing all details and meeting all objections thereto.

The question whether any given railway is wanted by the locality, whether it will injuriously compete with existing Railway Companies, who ought to make it (provided more than one desire to do so) are now postponed until all the expenses have been incurred preliminary to the commencement of the works; and the risk incident thereto, utterly precludes any other promoters, except professional speculators from coming forward, and is attended with this result, that if the project be sanctioned, it is saddled with at least double costs to compensate these professional speculators for the risks they may have incurred.

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The cost of a prospectus, such as is here defined, will be quite within the means of such *bonâ fide* promoters as may desire the railway for the benefit of the district, and will enable them to act independently of professional subsidies.

Clause **11.**—This clause is transcribed from the Wharncliff Standing Order, but will probably require revision, so as to enable companies to act in the early stages of the business through their ordinary officers, and without the necessity of consulting their shareholders.

At the same time, it must be borne in mind, that if a company propose a line without first obtaining the consent of their shareholders, they may defeat a *bonâ fide* project, and occupy the ground for a considerable period without any intention of making the line.

Clause **12.**—In case any one should object to having his case first heard and adjudicated upon by the commissioner (from apprehension of prejudice or otherwise), the 9th clause gives full power to the council to meet such views. All that would be necessary would be, to obtain the consent of the Board to reserve objection for the council, who might hear it before or after the local inquiry. For instance, in such a case as that of the Midland project, from Bedford to London, all the local evidence would probably be in favour of the line, and it would be of little avail to argue the question of injury to the Great Northern, or London and North Western, before the commissioner.

Assuming such railway would be a public benefit, and was so reported, the Great Northern, and London and North Western, would have to rest their objection on the ground of public faith being pledged not to withdraw from them by a new railway traffic which they had expended their capital to secure. In the one scale would be the public benefit of the proposed line, much or little as the case may be; and in the other the argument as to the extent to which public faith is pledged to the existing lines, and how far the public interests which would be served by the new line are to be subjected thereto. The difficulty in weighing such questions is, that they cannot be reduced to any common standard; and the difficulty is indefinitely increased by every new question being heard and determined by a tribunal that has no experience of any former case, and no responsibility for any in the future.

The Railway Council, backed by the Committee of the Board of Trade, will be as competent to lay down a principle on this subject as any tribunal that can be devised (subject always to discussion in Parliament), and when once settled, the great companies will, it is submitted, be in a far better position even if the decision be against them, and that unrestricted competition is recognised as the rule for legislation, than under the present vacillating system. No parties would be so much benefited by a fixed system of legislation as the great companies, for being in possession of their respective districts, they would, under ordinary circumstances, be entitled to make such lines as might be proved to be wanted, and thus mere speculators would have the cost of proving their case up to this stage, without any further profit.

Clause **13.**—The course of proceeding under this clause is little more than an extension of that now adopted in respect of matters affecting the Admiralty, lately transferred to the Board of Trade.

Clause **14.**—This is a transcript of a Standing Order proposed by the Earl of Derby, and may perhaps be better left to the Board's regulation. *See* Clause 33.

actual survey or from parish or district or private estate maps, or from those deposited in the Tithe Commutation Office, at the discretion of the Promoters, together with a published map to a scale of not less than half an inch to a mile (or in Ireland to a scale of not less than a quarter of an inch to a mile), with the line of Railway delineated thereon, so as to show its general course and direction, and also an explanatory statement showing the reasons for such application, the probable expense of such construction, the amount of capital proposed to be raised, the amount of traffic and profits expected to be realised, and the probable advantages to be derived from it to the community at large, or to the particular locality, or to both.

In what cases existing railway companies may send notice of application for projected undertaking.

11. No notice of application to empower any Railway Company already constituted by Act of Parliament to execute, undertake, or contribute towards any projected work other than that for which it was originally established, or to sell or lease their Undertaking, or any part thereof, with any other Undertaking, shall be allowed to proceed unless such notice shall have been previously submitted to a meeting of Proprietors of such Company held specially for that purpose, notice of such meeting to be inserted for Two successive weeks in a morning newspaper published in London, Edinburgh, or Dublin, as the case may be, and in a newspaper of the county or counties in which the principal office or offices of the Company is or are situate, and also by a circular addressed to each Proprietor at his last known or usual address, and sent by post, or delivered at such address not less than Ten days before the holding of such meeting, enclosing a blank form of proxy, with proper instructions for the use of the same, and the same form of proxy and the same instructions, and none other, shall be sent to every such proprietor, but no such form of proxy shall be stamped, nor shall the funds of the Company be used for the stamping any proxies, except the Company shall at a general meeting determine otherwise, in which case a stamped proxy shall be sent to each Proprietor, with such instructions as aforesaid, and such meeting shall be held not earlier than Seven days after the last insertion of such advertisement; and also that at such meeting the said notice was submitted to the Proprietors aforesaid then and there present, and was approved of by such Proprietors then and there present, or by their duly authorised agent, holding at least Three-fourths of the paid-up capital of the Company represented at such meeting, such Proprietors being qualified to vote at the meeting in right of such capital.

Board of Trade, &c., to give notice of deposit of application, and to appoint meetings for hearing and determining objections. 6 & 7 W. 4, c. 71, s. 61; 8 & 9 Vict. c. 118, s. 162.

How notice is to be published.

12. As soon as conveniently may be after the receipt of such notice of application, and of the deposit or security hereinafter mentioned, the Board of Trade shall cause a copy of such notice, and, where applicable, of the map or plan with longitudinal section, and also the published map and explanatory statement thereto attached, to be deposited at some convenient place within the respective parishes, townships, or districts through which the projected line is intended to pass, for the inspection of all persons interested in the Undertaking, and shall forthwith cause notices of such places of inspection to be affixed on the church doors or other usual places for affixing public notices within the said respective parishes, townships, or districts, and also to be inserted in One or more of the provincial newspapers circulated within the respective counties through which the intended line is intended to pass, and also shall in such notice appoint some convenient place and time (the first not earlier than Twenty-one days from the first giving of such notice), within any One or more of the said parishes, townships, or districts, for the purpose of examining into the merits of such intended application: and the Commissioner at such meeting shall hear and determine any objections which may be then and there made by the owners, lessees, and occupiers of land within One hundred yards on each side of such projected line (supposing such an extent should be proposed to be taken), or by such other parties who have a right to be heard in opposition to such projected line as are hereinafter mentioned and described, or by any other persons who in the judgment of the said Board or Commissioner have a right to be heard in opposition to such Undertaking, or shall adjourn the further hearing thereof, if he shall think proper, to a future meeting, and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in the manner hereinbefore directed with regard to the original meeting.

On whom individual notices are to be served.

13. Similar notices, with the published maps thereto attached, shall also be sent or delivered by the Board of Trade to every owner (or if absent, to his usual place of abode, or if under legal disability, to his guardian or duly authorised agent,) of any park or ornamental ground, to the Lord High Admiral or Lords Commissioners of the Admiralty in respect of all tidal lands, to the Commissioners of Woods and Forests in respect of all Crown lands, and to Her Majesty's Attorney General in respect of all lands vested in trustees for charitable uses, through which respective lands the projected line of Railway is intended to pass.

How labourers' tenements, to the

14. In any case where it is intended in the construction of such projected line of railway to take Thirty houses, or more, inhabited by the labouring classes in any one parish, township,

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township, or district, the Promoters shall be required to lay before the Board of Trade, or a Commissioner, a statement of the number, description, and situation of the said houses, the number (so far as they can be estimated) of persons to be displaced; and the said Board of Trade, or Commissioner, shall state whether any and what provision should be made for remedying the inconvenience likely to arise from such displacement.

number of 30, are to be dealt with.

Notice of any objection to be sent to Board of Trade.
8 & 9 Vict. c. 118, ss. 47, 48.

15. All persons making any objection to the projected line of railway shall send or deliver a notice in writing, specifying the particulars of such objection to the Board of Trade, within Seven days after the deposit of such maps, where applicable, and explanatory statement after the publication of such notice, and also deposit a copy thereof at the place in each parish, township, or district where the meeting for hearing objections is notified to be held for the examination of the Promoters and others interested in the Undertaking.

Who may object.

Competition may be a ground of objection.

16. It shall be competent for the Board of Trade, or a Commissioner, to admit any parties to be heard before them or him at any meeting to hear objections to the notice of application for such projected Undertaking, on the ground of competition, if they or he shall think fit.

In what cases shareholders may be heard.

17. Where notice of application is given by any existing Railway Company, the shareholders of such company shall not be entitled to be heard before the Board of Trade, or a Commissioner, holding such meeting to hear objections, unless their interests as affected thereby shall be distinct from the general interests of such company.

In what cases railway companies may be heard.

18. Where a Bill for the construction of any projected Undertaking contains provisions for taking or using any part of the lands, railway stations, or accommodations of another company, or for running engines or carriages upon or across the same, or for granting other facilities interfering with the property of another company, such company shall be entitled to be heard before the Board of Trade, or a Commissioner, holding such meetings to hear objections against the said projected Undertaking.

When municipal authorities and inhabitants of towns may be heard.

19. It shall be competent for the Board of Trade, or any Commissioner, before whom such meeting to hear objections shall be held, to admit the municipal authorities of any town, or the inhabitants of any town or district alleged to be injuriously affected by the projected Undertaking, to be heard against the same if they or he shall think fit.

Commissioner and surveying officer to make their reports to the Board of Trade, &c.
8 & 9 Vict. c. 118, ss. 26, 103.

20. The Commissioner to whom such application shall be referred shall report in writing to the Board of Trade the result of his inquiries as to the statements contained in the said notice of application, and his opinion as to the expediency or inexpediency of the projected Undertaking, together with the reasons for such opinion; and in all cases of applications by Promoters of competing lines of railway, the said Commissioner, in conjunction with the inspecting officer, shall report in writing to the said Board as aforesaid by which one or more of the contending parties the projected Undertaking ought to be made, and should they be of opinion that the construction of such projected Undertaking ought to be divided, they shall report in writing the extent and conditions upon which each of the said contending parties shall make their respective proportions; and should they be of opinion that neither the projected line of the Promoters, nor any of the competing lines are the most expedient to be constructed, it shall be lawful for the said Board of Trade to suspend all further proceedings, and direct the Promoters to furnish a map or plan of the more commodious line recommended by the said commissioner and inspecting officer should they determine to proceed with the same after such suspension, and the same shall be deposited and notices given in like manner as is hereinbefore directed in regard to the original deposit notice.

Board of Trade, &c., to make provisional order after the report of Commissioner, &c.
8 & 9 Vict. c. 118, s. 27.

21. If on the report of the Commissioner, or after any further inquiries they shall think necessary in relation thereto, the Board of Trade shall be of opinion that the projected Undertaking would be expedient, the said Board, by Provisional order under their seal, shall set forth the terms and conditions on which they shall be of opinion that the said projected undertaking shall be made, and the said Board of Trade shall thereupon cause to be deposited for inspection a copy of the said provisional order in like manner as is hereinbefore directed for the deposit of the notice of application, and may, in case they shall think fit, cause meetings to be holden by a Commissioner for the purpose of hearing and determining any further objections thereto, notices of such meetings to be published in like manner as is hereinbefore directed for holding the original meeting.

Expenses of witnesses to be paid under the direction of the Board of Trade, &c.

22. The Board of Trade or a Commissioner in any case where they or he shall think fit, may order such expenses of witnesses and of the production of any books, deeds, contracts, accounts, writings or documents, maps, plans, and surveys, or copies thereof, and all other expenses (except the allowances to any Commissioner, inspecting officer, or shorthand writer),

Clause **15.**—By the 10th clause the Promoters are required to deliver an explanatory statement of the reasons for the project, and the object of this provision is, to elicit as far as possible, the answer to that statement, and thus secure some data for the subsequent inquiries, and raise definite issues at as early a stage of the proceedings as possible.

At the same time it is not intended to be compulsory, or that those who do not deliver such objections shall be excluded from being heard. *See* Clauses 16, 17, and 18, also 21, which provides for hearing objections even after the provisional order may have been made.

Under the Tithe Act, separate inquiries were frequently instituted in respect of moduses, exceptions, boundaries, &c., and the Executive Council by having before them the whole of the questions likely to be in issue, will have the opportunity of making such arrangements as will best meet the convenience of all parties.

Clauses **16** to **19.**—Clause 12 extends the cases of *locus standi* hereby specifically mentioned to any other parties whom the Board or Commissioner may adjudge to have a right to be heard; and this power, coupled with the foregoing clause as to the statement of objections will enable the Board to settle the issues to be tried by the Commissioner before he enters upon the local inquiry, or to regulate, with due regard to economy and despatch, any second local inquiry that may become necessary.

Clause **20.**—By Clause 9 the Board will delegate such powers as they may think fit to Commissioner, and his report will, of course, be limited thereto.

As regards competing lines the operation of the Act would probably be this. If at the meeting first appointed for hearing objections to one project, another party should intimate their intention to propose a competing scheme, then the Commissioner would limit his inquiry, and report to such points as might be common to both, and adjourn the inquiry so as to afford the proposers of the competing scheme time to prepare and deposit their plans. This provision, which would tend to secure for the district the best route (instead of as at present being bound to accept that which may be first prepared, or go without a railway at all), would be a protection to the great companies against speculators, who get up lines in the expectation of being bought off; because so soon as the inquiry showed that there ought to be a line, they would have the option of putting in at once their claim to make it.

Clause **21.**—New issues may be raised upon the terms and conditions of the provisional order, which terms and conditions may often form the main ground of contention, as, for instance, if running powers and facilities are granted over the proposed line; and the operation of the Act in this respect will be to settle all such questions in their due order, instead of being, as at present, all confusedly mixed up together.

The time of completing the survey, and also the railway itself, will properly be stated in the provisional order.

Clause **22.**—The intention is, to enable the Board to charge upon the Promoters all such costs as may be incurred in the course of the inquiry, whether such costs may be so incurred in establishing objections to the project or otherwise. For instance, an objector may say, "There is a better line to be had in such a direction, but I am not disposed to

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incur the cost of proving it;" in such case the commissioner would have the power of ordering the Promoters to pay the costs of investigating such suggestion, and supplies one of the great defects of the present system, namely, that unless prompted by private and special interest, Parliament remains wholly uninformed of anything that does not suit the interests of the Promoters.

Clause **23.** This limits the power to fixing objectors with costs; but the foregoing enables the Commissioner to charge on the Promoters the costs of establishing objections.

If a general power were given to charge Promoters with costs of objectors, it is feared that it would involve every project in such risk as to deter legitimate enterprise.

The penalty on Promoters of their own costs, together with the liability to pay the witnesses, &c. in support of their opponents' objections, would appear to be sufficient; and see Clause 24.

Clause **27.**—The deposit of the certificate is intended to be accompanied with such statement of the Standing Orders as shall enable all persons interested to examine the surveys when completed, and without expense ascertain whether in the case of each person locally interested the rules and regulations relating thereto have been complied with. At present landowners and occupiers are wholly dependent upon the accident of there arising some powerful opposition, and as this opposition, when existing, will have been disposed of in the preliminary stage of the inquiry, the local interests may be greatly prejudiced by a careless survey.

By the present system all the cost of these details, and of the proof of the same, and opposition in respect thereof, is quite needlessly incurred prior to the proof of the preamble; and is of course lost if the preamble be not proved. To correct this, and relieve local enterprise from the enormous risks thus required to be taken, is one of the leading objects of this Bill.

writer), incurred in any inquiry as to the expediency or inexpediency of such projected undertaking, or on the hearing or determining any objection thereto or to any provisional award before the Commissioner as hereinbefore directed, to be paid by such parties hereinbefore stated to be interested in the inquiry and in the production of such books, documents, maps, plans, and surveys as above stated, and in such proportions respectively as the said Board or Commissioner shall think fit and reasonable: provided always, that no charge for the attendance of any witnesses who may voluntarily present themselves before the said Commissioner for examination under the provisions herein contained shall be allowed by the said Board of Trade or the said Commissioner.

6 & 7 W. 4, c. 71, s. 73; 8 & 9 Vict. c. 118, s. 132.

23. In any case where it shall appear to the Board of Trade or a Commissioner that the opposition of any party entitled to appear before them or him is frivolous or vexatious, it shall be lawful for them or him to order such party to pay the costs which have been incurred by the promoters of the projected undertaking in resisting such frivolous or vexatious opposition, and the amount of such costs, when certified by the Board of Trade as aforesaid, shall be taken as proof thereof by any court of law or equity in which the same is sought to be recovered.

Costs may be imposed upon frivolous or vexatious objectors.

8 & 9 Vict. c. 118, s. 59.

24. The allowances to and expenses of Commissioners, inspecting officers, and shorthand writers, and all other expenses of or incident to making the said provisional order and of the award for making the actual survey hereinafter mentioned, shall be borne and paid by the promoters of the said projected undertaking in such time and manner and upon such terms and conditions as the said Board of Trade or the said Commissioner shall order and direct.

Allowances to Commissioners, inspecting officers, and shorthand writers, and all other expenses incident to provisional order to be borne by the promoters.

25. Upon notice of application for the construction of any railway or for the continuance, alteration, or enlargement of the powers of any existing line of railway being given to the Board of Trade, and previous to the commencement of any inquiry as to the expediency or inexpediency of any projected undertaking, the said Board shall require the promoters of such undertaking to deposit any sum of money, or to give good and sufficient security for the payment of costs and expenses attending such inquiry as to the said Board shall seem fit.

Security for the costs of inquiry to be taken by the Board of Trade.

8 & 9 Vict. c. 118, s. 43.

26. The certificate of the Board of Trade as to the allowance of all charges for the attendance of witnesses, the production of books, papers, writings, maps, plans, and other documents, and all other expenses incident to the matters hereinbefore contained, shall be taken as proof in all proceedings at law or in equity of the amount of such costs and proceedings sought to be recovered.

Certificate of amount of costs of inquiries by Board of Trade to be taken as proof in all courts of law or equity.

9 & 10 Vict. c. 106, s. 6.

Part III.

As to Confirmation of Provisional Order, and Certificate to be granted thereon, authorising an actual and official Survey of the projected Undertaking.

27. Upon the confirmation of the said provisional order the Board of Trade shall grant a certificate under their seal, authorising the promoters of the projected undertaking to make an accurate survey, according to the rules and regulations imposed by the Standing Order of each House of Parliament, and shall deposit a copy of such certificate under their seal at the like places, and publish notices of such deposit in like manner, as is hereinbefore prescribed for holding the original meeting.

Certificate of Board of Trade authorising actual survey.

Power of Entry to make Survey.

28. For the purpose of surveying, admeasuring, and mapping any land through which such projected undertaking is intended to pass, it shall be lawful for the promoters, their engineers, and surveyors, for the Commissioners and inspecting officers, or for any other person delegated by the Board of Trade or a Commissioner, to enter upon and view all and every part of such land, either by themselves or with assistants and servants, and at any time or times whatsoever during the progress and until the completion of the said survey and measurement, mapping, and other necessary proceedings under this Act, and to do or cause to be done all and everything requisite for putting the same into execution without any hindrance, molestation, or disturbance from the owners, lessees, and occupiers of such lands, their agents, workmen, or servants respectively; and any such hindrance, molestation, or disturbance shall be deemed and adjudged a breach of the peace, and any person so offending shall, on conviction, be dealt with according to the laws now in force for the punishment of such offences; provided always, that the owners, lessees, and occupiers of lands over which such entry is made shall be entitled to full compensation for any damage which may be committed during the progress of such surveying, admeasuring, and mapping.

Power of entry on lands to make survey.

8 & 9 Vict. c. 118, s. 123.

 29. After

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Plan, with report of survey and estimate of expense, to be deposited for inspection.
6 & 7 W. 4, c. 71, s. 57.

Meetings to be held for hearing objections to and for testing the accuracy of survey, and estimate of expense.

Commissioner to make his report.

29. After the completion of the said survey and admeasurement, the promoters of the undertaking shall cause to be made a plan thereof, together with a full report of all the sections and other operations hereinbefore specified to be included in such survey, and an estimate of the expense of constructing the projected undertaking signed by the person making the same, which said plan and report shall be forthwith transmitted to the Board of Trade, who shall deposit copies thereof under their seal in the principal towns or places of the parishes, townships, or districts through which the proposed undertaking is intended to pass, for the inspection of all parties interested; and also publish notices of such deposit in like manner as is hereinbefore directed for holding the original meeting, and shall also in such notice appoint some convenient time and place for holding a meeting before a commissioner accompanied by one or more inspecting officer or officers for the purpose of hearing and determining any objections which may be then and there made to the construction of the line as laid down, and to the accuracy of the said plan and survey, as well as of testing the correctness of the same, and of the estimate of expense of constructing the works, and the commissioner shall make his report of all such proceedings, and transmit the same to the Board of Trade.

Confirmation thereof by Board of Trade, &c.
6 & 7 W. 4, c. 71, s. 52.

But absolute order not to be valid until confirmed by Parliament.
21 & 22 Vict. c. 98.

30. Upon the report of the commissioner, or after any further inquiries they shall think necessary in relation thereto, the Board of Trade should be satisfied with the construction of the line so laid down, or as the name may be altered by them, and the accuracy of the said survey and estimate of expense, or with the expediency of carrying out the other powers or works hereinbefore specified, the said Board by an absolute order under their seal shall confirm the same, and forthwith transmit a copy of such absolute order under their seal to the promoters of the projected undertaking, and notice of such absolute order shall be deposited and published in the places, and in the manner hereinbefore directed as to the original notice of application: provided always that no absolute order so made shall be of any validity until the same has been confirmed by Act of Parliament; and it shall be lawful for the President of the Board of Trade or a Secretary of State, as soon as conveniently may be to obtain such confirmation, and the Act confirming such order shall be deemed to be a General Act of Parliament.

Part IV.

As to Deposit of Money and Declaration in certain Cases, and Operation of Standing Orders in each House of Parliament, and Report thereon to Parliament.

Deposit of 8 per cent. upon the estimate of expense.

31. Within Ten days after the date of the absolute order under the seal of the Board of Trade approving of the construction of the line as laid down, and confirming the accuracy of the survey and estimate of expense of the projected undertaking, the promoters thereof shall deposit a sum of not less than Eight per cent. upon the amount of such estimate of expense with the Court of Chancery in England, if the work is intended to be done in England, or with the said Court of Chancery in England, or the Court of Exchequer in Scotland if such work is intended to be done in Scotland, and with the Court of Chancery in Ireland if such work is intended to be done in Ireland; and the certificate of such deposit shall be lodged with the said Board of Trade by the promoters of such projected undertaking, previous to the introduction of a Bill into Parliament authorising the construction thereof.

Cases where declaration alone is deposited.

32. Where the projected undertaking is to be made wholly or in part by means of funds, or out of money to be raised upon credit of present surplus income belonging to any existing Railway Company, such parties being the promoters of the undertaking, a declaration, stating those facts, and setting forth the nature and amount of such surplus revenue, and showing the actual surplus of such funds or revenue, after deducting the funds required for purposes authorised by any Act of Parliament, and given under the common seal of the Company, or under the hand of some authorised officer thereof, may be deposited, and in such case no deposit of money shall be required in respect of so much of the estimate of expense as shall be provided for by such surplus funds.

Proceedings to be in accordance with the present and future Standing Orders of Parliament, except where varied by this Act.

Interpretation of Acts.

33. All the proceedings under this Act shall be carried into execution in conformity with the Standing Orders of each House of Parliament relating thereto, except so far as the same may be altered or varied by the provisions herein contained, or may be hereafter altered or varied by either House of Parliament, and the said Board of Trade shall within six months after the passing of this Act, or within one month after the next meeting of Parliament, prepare and lay before each House a statement of such Standing Orders as they may deem consistent with the provisions of this Act, and such as in their judgment should be thereafter recognised as the Standing Orders by which the proceedings under this Act should be regulated, and such statement shall be thereafter adopted by the said Board of Trade, subject to such alterations or additions as may be made therein by either House of Parliament; and all powers now vested in Committees under and by virtue of the said Standing Orders shall be transferred to the said Board of Trade; provided always, that "The Railway Clauses Consolidation Act, 1845," "The Companies Clauses Consoli-

dation

Clause **29.**—The 10th Clause provides that the plan originally deposited need only show the "general direction" of the line, and it will, therefore, be competent to correct the survey by such deviations as, on objection and investigation, may be deemed expedient. For want of this power great injustice is often done either to promoters and the public by refusing a line which, though much wanted, is open to some objection in detail, such as gradient, ornamental ground, &c., or to individuals whose interests are needlessly sacrificed to the public object of securing a Railway.

Clause **30.**—The object of thus publishing the final order of the Board is to afford the public and individuals full notice of the intention to apply to Parliament for the Act; and it will then be open to them, by petition, to state any objections, either such as have been heard and determined by the Board or otherwise, and Parliament will deal with the same; the only difference between the present mode of obtaining an Act for a Railway or other work, and that now proposed, being that those who oppose it and desire further inquiry will have to show cause for the same, just as in the case of an inclosure brought in by the Inclosure Commissioners.

Clause **31.**—The reason for postponing the deposit till after the final order is, that until then the cost of the line cannot be ascertained.

The cost of the inquiries and surveys it is considered will be sufficient guarantee for the bona fides of the promoters.

It may be expedient to give the Board the power to extend the time for deposit of money, and of course, as at present, security would be accepted instead of money.

It may also be necessary to provide that, in case of default, promoters should pay the costs of objectors who would have been put to needless trouble. This to be at discretion of Board.

Clause **34**.—As Parliament will exercise in each House a complete power of appellate jurisdiction, this Report, coupled with the usual access to papers, will fully bring each case before them. Where provisional and absolute orders have been granted, the question will be, whether any, and what, further investigation is necessary, where they have been refused; the question will be whether they shall be referred back to the Board of Trade.

There is nothing in this Act to prevent any Company bringing a Bill into the House as at present, and asking that it be referred either to the Committee or to the Board of Trade; the only condition is, that it will have to be done under Standing Orders as a matter of course; but hereafter, grounds would have to be shown for such a course.

It has been suggested that in all cases the Bill should be brought into Parliament in the first instance, and thence referred to the Board of Trade, but the objection thereto is, that thereby the promoters are subjected to all the costs of surveys, notices, &c. &c. before they know whether the project itself is entitled to approval.

dation Act, 1845," and "The Lands Clauses Consolidation Acts, 1845 and 1860," (save so far as any of the sections or provisions of those Acts respectively are expressly excepted or varied by any future Railway Act,) shall be respectively incorporated with this Act.

Board of Trade, &c. to make Reports to Secretary of State, to be laid before Parliament.
6 & 7 Will. 4, c. 71, s. 38.
9 & 10 Vict. c. 106, s. 2.

34. The Board of Trade shall from time to time give to any one of Her Majesty's Principal Secretaries of State such information respecting their proceedings as such Principal Secretary of State shall require, and shall in the month of January in every year send to one of the said Principal Secretaries of State a General Report of their proceedings, specifying the applications which have been made to them under the provisions of this Act, and the several cases in which they have authorized such applications, and the grounds on which they may have withheld their consent to such application, and also the special grounds on which they shall deem the projected undertaking expedient; and every such report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if not sitting, then within six weeks after the next meeting of Parliament; and such Board may from time to time send such special reports in relation to all or any of the matters aforesaid as they may think fit.

Part V.

As to Forms of Proceedings to be issued by Board of Trade, and Interpretation of Words, &c.

Forms of proceedings how to be prepared.

35. All forms of notices, summonses, certificates, orders, and documents requisite for carrying this Act into execution shall be prepared and printed by the Board of Trade, and issued to the promoters of the projected undertaking, and other persons, at the expense of the parties requiring the same.

Orders and Certificates to be under seal.

36. All orders and certificates issuing from the Board of Trade shall be stamped with their official seal, and signed by the President or Vice President of such Board.

Summonses to be signed by assistant Commissioners.

37. All summonses for the attendance of witnesses and all the documents required in any proceedings before Commissioner shall be signed by such Commissioner.

Interpretation of words, &c.

38. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be anything in the subject or context repugnant to such construction: the word "person" or "party" shall include the Queen's Majesty and any body corporate, aggregate, or sole, as well as an individual; and the word "land" shall include all messuages, woods, waters, and other tenements and hereditaments of a real nature.

Appendix, No. 9.

PAPER put in by Mr. *Bidder*.

Appendix, No. 9. SUGGESTIONS as to STATEMENT and COUNTER STATEMENT by PROMOTERS and OPPONENTS of PRIVATE BILLS.

ALLEGATIONS to be concise, and without ambiguity; to be confined to statements of facts, and results to be proved if necessary.

Committee on Bill, prior to commencing, to have the power of rejecting any allegations that may be objected to by either party, as not being relevant or sufficiently precise and definite.

Assumed Example:—

BEDFORD AND LONDON EXTENSION of the MIDLAND RAILWAY.

ALLEGATIONS BY PROMOTERS.

1. That the Midland Railway consign traffic to London, *viâ* London and North Western Railway through Rugby, to the extent of £. per annum.

2. That they also consign traffic to London, *viâ* the Great Northern Railway through Hitchin, to the extent of £. per annum.

3. That this traffic is rapidly increasing.

4. That for the full development of this traffic, it is absolutely necessary that they be in possession of an independent line to London, and thereby have access to an independent station.

5. That the traffic at their command is adequate to remunerate them for the proposed outlay.

6. That between Bedford and London the line passes through a fertile and populous district.

7. That it will afford improved Railway communication between the following places, and also between the same and the Metropolis:

Between and .

8. That the landowners are generally assenting, there being—

Miles of Assent.
„ Neuter.
„ Dissent.

ALLEGATIONS OF OPPOSITION.

By Great Northern Railway.

1. That the traffic of the Midland from Hitchin to London has been efficiently accommodated.

2. That the Great Northern Railway Company are prepared to duplicate their line from Hitchin to London, and to provide such further accommodation at the stations as may be necessary for the convenient conduct of the Midland traffic.

3. That

3. That the district between Bedford and London is sufficiently provided with Railway communication.

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4. That by adopting this proposition, the Midland Company will be saved the cost of the construction of the proposed line, and the Great Northern the abstraction of traffic they now enjoy.

By Dissentient Landowners.

1. That the proposed line is unnecessary for the accommodation of the district.

2. That another and a better line, as shown on Plan and Section deposited herewith, can be made, avoiding petitioners' land.

That proposed line—

Is shorter.

Has better gradients.

Will cost less.

3. That the Estimates are insufficient.

That the land will cost £. in place of £.

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Chairmen of Select Committees. Importance of a small number of chairmen as leading to uniformity of practice, *Adair* 1105-1108; *Patten* 3115. 3118——Advantage of the Chairmen laying down rules with a view to uniformity in Committees, *Burke* 1291, 1292; *Blenkinsop* 2629, 2630. 2795——Proposition that certain questions now arising between promoters and landowners be settled by the Chairmen of Committees in both Houses, without Select Committees being encumbered with such questions at all, *Coates* 1498-1506.

Great importance attached to the system of permanent Chairmen; expediency of first-class men being secured for this position, by payment if necessary, *Blenkinsop* 2490-2502. 2616——The system of permanent Chairmen has been a great improvement upon the old system, *ib.* 2490. 2616——In other matters as well as in that of *locus standi*, the permanent Chairmen might lay down rules which might much shorten the inquiry, *ib.* 2627, 2628——Improvement if the Chairmen of groups had increased intercommunication, *May* 3061, 3062.

Difficulty experienced by the Committee of Selection in finding an adequate number of experienced and competent members to serve as Chairmen, *Patten* 3084. 3114. 3132, 3133——The number of five Chairmen is kept as near to as possible, *ib.* 3132——Laborious duties performed by the Chairmen, *ib.* 3134-3138.

See also *Paid Chairmen.* *Standing Committee of Chairmen.* *Uniformity.*

Clauses of Bills. Statement as to the clauses of a Bill being frequently passed over hastily, the Committee mainly confining their labours to the preamble; suggestion hereon, *Smith* 2159-2165. 2175.

Clauses Consolidation Acts. Important improvement effected by the Clauses Consolidation Acts, originally framed by witness, *Booth* 5-8——Valuable protection of the public interests as affected by Private Bills, by means of the Clauses Consolidation Acts, *ib.* 5, 6——Experience necessary in framing consolidation or general Acts, *ib.* 7, 8. 31-33——Expediency of an addition to the Consolidation Acts, founded upon the experience since 1844, when these Acts were passed, *ib.* 9. 31-34——Immense difficulty in getting through the railway legislation of 1846, but for the consolidation clauses previously enacted, *ib.* 18, 19——Opportunity of opposing counsel to open out objections against the clauses from Consolidation Acts; difficulty of guarding against undue costs on this score, *ib.* 29, 30——Convenience in new railway companies being constituted under the Clauses Consolidation Act, *ib.* 257-260.

Advantage of an extension of the Clauses Consolidation Acts, with a view to further improvement in the framing of Railway Bills, *Lord Redesdale* 707-711——Approval of additional Acts upon the principle of the Lands Clauses Consolidation Acts, *Earl Grey* 904. 906——Some saving may be effected in the expense of Railway Bill by an amendment or enlargement of the Clauses Consolidation Acts, *Burke* 1217——Witness considers that many of the forms now required by Private Bills might be with great advantage curtailed, and that thus the expense might be reduced, *Bidder* 2212. 2216——Advantage of an enlargement from time to time of the Clauses Consolidation Acts, *May* 2973.

Recommendation that a Bill or Bills founded on the principle of the Clauses Consolidation Acts should be prepared, and if possible, passed this Session, for the further consolidation of the clauses usually contained in Railway Acts, and other clauses of Private Acts, *Rep.* v, vi, ix.

See also *Board of Trade.* *General Act.*

Coates, Thomas. (Analysis of his Evidence.)—Suggestion that the advertisement in London newspapers of works proposed to be executed in the country be dispensed with, 1459-1461——Approval of the deposit, as at present, of plans and sections; advantage, however, if the plans were all on the larger scale, 1461. 1473——Proposal that in giving notices to landowners, the schedule attached to the notice be dispensed with; considerable saving thereby to promoters without any prejudice to the landowners, 1461-1476——With

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Coates, Thomas. (Analysis of his Evidence)—*continued.*

——With regard to the deposit of the Bill, an early deposit is necessary, and nothing can be saved in this respect, 1477.

Limit upon companies as to any deviation from the gradient required by Parliament, 1478–1480——Improvement of late years in regard to opposition on Standing Orders, so that the practice in this respect is now very satisfactory, 1481–1485——Conclusion as to the fees of the two Houses, in respect of Private Bills, being unreasonable and unjustifiable; instances in illustration, 1486–1497——Modifications suggested in the system of fees, and in the amount, 1490. 1492. 1567–1570.

Proposition that certain questions now arising between promoters and landowners be settled by the chairmen of Committees in both Houses, without Select Committees being encumbered with such questions at all, 1498–1506——With regard to the tribunal itself, witness considers that the present system of a Select Committee in each House is the most satisfactory that can be devised, 1507, 1508——Much less inquiry than formerly into the question of traffic, as affecting existing companies; expediency, however, of opponents being fully heard upon this point, 1509–1530.

Illustration, in the case of the Bill for extending the Midland Railway to London, of the greater facility now given to competing lines, 1514–1525——Doubt whether Parliament is moving in the right direction in readily admitting competition injurious to existing companies, 1523–1530——Approval of a company being allowed under certain circumstances, to improve its line without a rival company being heard in opposition, 1531–1536——Less time occupied in passing an opposed Bill through the Committee in the Lords after previous opposition in the Commons; reasons for this, 1537–1546. 1551, 1552——Fewer days occupied in the Lords, and more restricted character of the inquiry, even when the Bill is initiated in that House, 1544. 1547–1550. 1553.

Statement as to its being entirely optional in suitors to employ counsel, or to appear personally before the Committee; practically, however, suitors feel it necessary to incur the expense of being heard by counsel, 1554–1566——Instance of an important Drainage Bill having been conducted through both Houses entirely without counsel, 1556——With regard to the fees paid to solicitors or Parliamentary agents upon the copies of evidence, a very large proportion of the expenses before Committees is doubtless attributable to this source, 1571–1582.

[Second Examination.]—Papers delivered in explanatory of witness's estimate of the expense of the House of Lords, and of the House of Commons, in respect of Private Bills; total of 12,000 *l.* in the former case, and of 18,000 *l.* in the latter, 1583–1589——Paper in explanation of witness's proposal for a modification of the fees; total of 85 *l.* for each Bill in the Commons, and of 65 *l.* in the Lords, 1589——Total of 182 *l.* to which the fees upon a Bill in the Lords may now amount; much larger amount in the Commons, 1590–1592.

Regulation of the House fees by Standing Order, whilst the fees to Parliamentary agents, &c. are regulated by the speaker, 1593–1602——Statement to the effect that the fee upon the Minutes of Evidence, in the case of Scotch Bills, is divided between the Parliamentary agent and the solicitor, whilst in English Bills it all goes to the solicitor, 1603–1620. 1649——Remuneration of the Parliamentary agent for an English Bill, by fees altogether irrespective of those upon the Minutes of Evidence, 1611–1613. 1621–1624——Modes of remuneration of the solicitor for a Scotch Bill, in addition to his share of the fee upon the copies of the evidence, 1614–1618. 1648.

Large rate of payment, under the present system, for the first three copies, as compared with the rate at which Mr. Hansard is prepared to supply from twenty to twenty-five printed copies, 1625–1632——Convenience in the evidence being furnished to counsel in a printed form, 1630——Examination upon the question of doing away with the solicitor's fee upon the copies of evidence; doubt as to the expediency of this measure, unless the solicitor's remuneration from other sources be increased, 1633–1660. 1804, 1805——Witness does not however approve of the principle of indirect remuneration of solicitors, as at present, 1639, 1640.

Illustration of the importance of all the counsel being supplied with copies of the daily evidence, 1641, 1642. 1661–1663——Increased remuneration of the solicitor the longer the case lasts, and the more counsel there are employed, 1651–1657. 1682–1686——The Minutes of Evidence are copied by law stationers, at a cost of 2½ *d.* per folio, including the paper, 1658–1660. 1680, 1681.

Conclusion as to the insufficiency of notes made by the junior counsel, as a substitute for the copies of evidence, 1664–1679——Respects in which inexpedient to adopt any regulation confining the attendance of counsel to one particular Committee or tribunal, 1667–1671. 1690–1694——Doubt whether the expense would, on the whole, be diminished by having one permanent tribunal, out of Parliament, instead of several Parliamentary tribunals, 1687–1690.

Further statement as to the satisfactory character of the present tribunals, and as to the inaccuracy of the conclusion that there is any real want of uniformity in their decisions

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Coates, Thomas. (Analysis of his Evidence)—*continued.*

1695–1708. 1788——With regard to counsel's fees, there is now invariably a fee upon the brief, as well as a daily fee, 1709–1716——Calculation showing that an individual landowner cannot appear by counsel for one day at a less expense than 47 *l.* 12 *s.*, exclusive of his own solicitor's charges, 1717–1736. 1743–1747——The system of daily fees is peculiar to Parliamentary Committees; belief that it is very injurious to the junior members of the Bar, 1737–1742.

Instances of counsel for a Bill, which has been divided into two or three parts, receiving separate fees for each Bill, or part, 1748–1750——Practice in regard to fees, in the event of two or three Bills being condensed into one, 1751–1754——Witness is strongly in favour of the system of a separate tribunal in each House, and adduces several illustrations of the importance of a court of review or appeal, 1755. 1761–1774. 1797–1803.

Doubt as to the expediency of limiting the first inquiry before the Committee to the question whether the scheme is desirable for the public, 1756–1760——Apprehended discussion of Private Bills within the walls of Parliament itself, in the event of the House of Lords being deprived of its present jurisdiction: inexpediency of such discussion, 1769–1773. 1787——Great reduction in the emoluments of Parliamentary agents since the passing of the Consolidation Acts, 1775–1780.

Disadvantage in further reducing into general laws, or provisional orders, the subjects dealt with by Private Bills; slight effect thereof upon the expense to promoters, 1781–1786——Failure of the system of provisional orders in the case of the Board of Health, 1789–1793——The provisional orders under the Inclosure Commissioners are not analogous to the present case, and are not applicable to railways, 1795.

Disapproval of entrusting the Chairman of Ways and Means with the discretion of deciding whether a case heard by a Committee of one House should or should not be heard also in the other House, 1806, 1807——Advantage of the expense under the present system as a check upon bad projects; it is, however, a check also upon useful projects, and upon individual opposition, 1807–1812. 1825–1828.

Respects in which the Committee in the Lords, when considering Bills which have passed in the Commons, differs from a judicial court of appeal, 1813——Approval of the Committee of the Lords having power to veto a measure passed by the Commons Committee, although both courts are of co-ordinate jurisdiction, 1814–1816. 1818–1824——Large number of Railway Bills this Session; the business does not, however, increase in importance, 1817.

Inadequacy of the system of deposit as a check upon speculative schemes, 1829, 1830——Importance attached to the former plan of a subscription contract, and to the first inquiry being directed to the financial portion of the scheme, 1831–1834——Advantage in the financial inquiry being conducted by the Examiner on Standing Orders, who should report thereupon to the Committee on the Bill, 1835–1841——Frequent instances of *bonâ fide* promoters being deterred by the risk and expense, and of schemes being got up by speculators for the sake of personal profit, 1842–1858.

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COMPETITION:

Considerable saving of expense by avoiding the contentions which now arise before Committees of the two Houses from the opposition of competing lines, *Booth* 162, 163. 188–191——Opposition should not be allowed to an existing company, on the ground of injurious competition, *ib.* 167. 188–191. 217–219. 229. 261——The fact of a certain deposit being made, and proper security given for the construction, should be considered a guarantee against unreal undertakings, and should preclude landowners and others from opposing on the general merits, *ib.* 170–180. 184–187. 201–229.

Existing companies should be heard before the proposed new tribunal against new or competing lines, *Lord Redesdale* 689——Decided objection to the proposal that existing companies or landowners should not be heard against any scheme which the promoters are prepared with means to carry out, *ib.* 716——Considerable amount of opposition to be excluded if existing companies are not allowed to give evidence against a new line, on the ground of its causing an obstruction of their traffic, *Massey* 859, 860——Examination to the effect that existing companies should, on the mere ground of competition, have the fullest opportunity of laying their case before the Committee in opposition to any new scheme, *Adair* 1113–1140——Respects in which railways are materially different from other undertakings, in regard to existing companies being allowed full opportunity for opposition, on the ground of competition, *ib.* 1157–1163. 1182–1185.

Doubt whether Parliament is moving in the right direction in readily admitting competition, injurious to existing companies, *Coates* 1523–1530——Competition would be the main point to be inquired into by the Committee, in the event of the estimates and the engineering questions being specially reported on by the Board of Trade, *Bidder* 2373, 2374. 2396——Considerations upon the subject of competing lines, and conclusion that

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that the Parliamentary inquiry into questions of competition should not be restricted, *Bidder* 2462-2472——Circumstances under which competition is legitimate and is beneficial to the public, as compared with instances in which it may be injurious both to the public and to existing companies, *ib.* 2462-2479.

Improvement upon the present system if it were laid down that competition should give a *locus standi* without any long argument on the question, and if the chairman were left to decide whether competition was involved, *Blenkinsop* 2523 *et seq.*——Great injustice of a rule that existing lines should not be heard on the ground of competition, *ib.* 2560——Satisfaction expressed with the practice adopted some ten years since, of admitting competition as a ground of opposition, *May* 2991, 2992——Expediency of full facility being given to existing companies to oppose on the ground of competition, *Fowler* 3341.

Reference by the Committee to the views of Mr. Booth, in favour of freer scope to the principle of competition among railway promoters, *Rep.* iv, v.

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Copies of Documents (Generally). Recommended reduction of the copying charges upon all documents, besides the Minutes of Evidence, on account of the tendency of high charges to cause a multiplication of copies, *Frere* 1893-1897.

Suggestions in detail by Mr. Frere for a revision and reduction of the charges for copies of documents, *App.* 373-275.

Reasons submitted against the proposed change in the charge for copying Parliamentary documents, *App.* 376, 377.

COPIES OF MINUTES OF EVIDENCE:

1. *High Charge for Written Copies, and Condemnation thereof.*
2. *Convenience and Economy of Printed Copies, and Approval of an Offer by Mr. Hansard for their Supply.*

1. *High Charge for Written Copies, and Condemnation thereof:*

Excessive sum to which the solicitor's charges sometimes amount for copies of the evidence given, day by day, before Committees; restriction suggested in this respect, *Richards* 352-360——With regard to the fees paid to solicitors, or Parliamentary agents, upon the copies of evidence, a very large proportion of the expenses before Committees is doubtless attributable to this source, *Coates* 1571-1582——Evidence in approval of a reduction or abolition of the solicitor's charge for copies, provided his remuneration otherwise be increased, *Coates* 1633-1660. 1804, 1805; *Blenkinsop* 2758-2782——The Minutes of Evidence are copied by law stationers, at a cost of 2½ *d.* per folio, including the paper, the solicitor's charge being 8 *d.* per folio, *Coates* 1658-1660. 1680, 1681.

Evidence in favour of a reduction of the solicitor's charge from 8 *d.* to 4 *d.* per folio, *Frere* 1865 *et seq.*——Unduly large amount which solicitors now obtain in fees for copies of the evidence, *ib.* 1898-1905——Expediency of an abolition of the solicitor's charge, *Smith* 2097-2115; *May* 2946-2950. 3057. 3079, 3080.

Report of Mr. Frere to the Speaker, and suggestions therein for reducing the charge for copies of the daily evidence, *App.* 373.

Alterations and reductions proposed by Mr. Hodgson on the subject of the charge for copies of evidence, *Rep.* xvii, xviii.

Concurrence of the Committee in the proposal for reducing the solicitor's charge of 8 *d.* per folio for copies of the Minutes of Evidence, *Rep.* viii.

After due consideration of all the representations on the subject, the Committee conclude that the existing system of remunerating solicitors by fees on copies of evidence is indefensible, and ought to be abolished, *Rep.* viii. x.

2. *Convenience and Economy of Printed Copies, and approval of an offer by Mr. Hansard for their Supply:*

Doubt as to the expediency of restricting the number of copies of evidence to be forwarded to counsel and agents, of each day's proceedings, *Burke* 1371-1374——It would be a great convenience to counsel if the daily evidence were placed before them in a printed or lithographed form, rather than in the shape of written copies, *ib.* 1375-1379. 1399——Examination showing that by adopting a certain offer made last Session by Mr. Hansard, an immense saving may be effected in the cost incurred in supplying the Minutes of Evidence, *ib.* 1380-1401——Reason for the daily evidence being furnished to the Parliamentary Counsel, although it is not considered necessary to supply it generally in the cases in Westminster Hall, *ib.* 1452, 1453.

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Copies of Minutes of Evidence—continued.

2. *Convenience and Economy of Printed Copies, &c.*—continued.

Large rate of payment under the present system for the first three copies, as compared with the rate at which Mr. Hansard is prepared to supply from twenty to twenty-five printed copies, *Coates* 1625-1632——Convenience in the evidence being furnished to counsel in a printed form, *ib.* 1630——Illustration of the importance of all the counsel being supplied with copies of the daily evidence, *ib.* 1641, 1642. 1661-1663.

Great convenience if the Minutes of Evidence were printed by the House, and were distributed irrespectively of the solicitor; the expense should be defrayed by the parties adducing the expense, *Frere* 1887, 1888. 1919-1923——Great economy in printing the evidence, if several copies were required, *ib.* 1887. 1919-1922.

Expediency of the written copies being abolished altogether, and of printed copies being struck off from the shorthand writer's notes, or of the junior counsel taking such notes as may be required, *May* 2951-2953. 3081-3083——Advantage of printing the evidence in connexion with a system under which there would a second inquiry in special cases only, *ib.* 2963, 2964.

Adoption lately of printed copies of pleadings in equity; the solicitor however making the same charge as though they were written, *Baxter* 3175-3177——Practice of witness in the more important cases to have the Minutes of Evidence printed, *ib.* 3176, 3177.

Recommendation by the Committee that the Minutes of Evidence be printed, *Rep.* viii-x.

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Cost of Construction of Railways. Calculation that single lines of railway may be made over level country for 5,000 *l.* a mile, including the land, works, &c., *Baxter* 3306-3311

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Costs:

With regard to the check upon vexatious opposition through the power of giving costs, witness considers that the present tribunal is not of sufficient competency to be entrusted with the question of costs, *Rickards* 476, 477. 486, 487——The court proposed by witness should have the power of giving costs, *ib.* 538——Difficulty of determining the manner in which costs might be allowed by the tribunal proposed by witness; doubt also whether the tribunal should have any large power in awarding costs, *Lord Redesdale* 727-730. 752-758——Circumstances under which it would be advisable to confer upon Committees the power of giving costs, *Massey* 827-835.

Security for costs should be given by the opponents of any scheme already approved by the Board of Trade, as under witness's scheme, *Earl Grey* 882. 885-887. 893. 1001, 1002——Objections to imposing costs upon unsuccessful opponents under the present system of Committees, *ib.* 965, 966——The possibility of having costs awarded should, under witness's scheme, arise only in cases of appeal to the Committee of the two Houses, *ib.* 1002.

Doubt whether the allowing of costs would be an effectual protection against needless contention, *Massey,* 1084——Proposal that the Committee, when unanimous, should have the power of awarding costs, *Adair* 1090——With regard to the question of costs, witness is strongly opposed to giving any power to Select Committees, and considers that such power would have the effect of increasing rather than of diminishing the business before Committees, *Burke,* 1272-1280.

Proposed power in the Committee to award costs, as a satisfactory means of checking and regulating the question of *locus standi, Blenkinsop,* 2526. 2567, 2568. 2574 *et seq.* ——Examination as to the circumstances under which costs should be awarded respectively against landowners or in their favour; defence of the proposition that the Committee should have a discretionary power in this matter, *ib.* 2577-2624. 2644-2647——Approval of a power to award costs in cases of unreasonable opposition being renewed, *ib.* 2585——Reason for proposing that the Committee collectively, rather than the Chairman, should decide the question of costs, *ib.* 2586-2589. 2616, 2617——Doubt as to a power to award costs being any check upon *bonâ fide* opposition by landowners, or upon the promotion of useful schemes by them, *ib.* 2590-2597. 2618-2624. 2644-2646 ——Except in very extreme cases, the Committee would not award costs against landowners, *ib.* 2615. 2645, 2646.

Expediency of due safeguards if costs are allowed to be granted, *May* 2998——Approval of a Committee having power, if unanimous, to award costs, *ib.* 3059, 3060.

Resolution proposed by Mr. Hodgson on the subject of costs, *Rep.* xviii.

The Committee have not been able to concur in recommending the adoption of the suggestion for empowering Select Committees to award costs, *Rep.* vii.

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COUNSEL, AND COUNSEL'S FEES:

1. *Present System of Employment and Remuneration of Counsel; great Expense on this score.*
2. *Difficulty as to a Reduction of the Fees; sundry Suggestions on the subject.*

1. *Present System of Employment and Remuneration of Counsel; great Expense on this score:*

Fee of ten guineas for each attendance before a Committee, and of five guineas for each consultation, *Richards* 362. 368-370——Retention of four or five counsel in order to make sure of one or two, *ib.* 371. 411——Etiquette of the Parliamentary bar, that no counsel before a Committee is allowed to take a less fee than ten guineas; exceptions taken thereto, *ib.* 375-379. 395——Lower amount of daily fees in Westminster Hall than in the Parliamentary Committees; reason assigned for the higher payment in the latter case, *ib.* 380-385. 394——Great variation in the fee upon the brief, *ib.* 405. 421, 422.

Statement, with regard to the number of counsel employed in any case, that it is quite optional in the parties to retain counsel on the condition that they must be present during the whole case, *Burke* 1405-1409——Reasons for a different and a higher rate of payment to counsel in Parliamentary practice than to counsel practising in the law courts, *ib.* 1410-1412. 1421-1433——Explanation as to junior counsel receiving the same fees as senior counsel for daily attendance and for consultation, *ib.* 1411-1420. 1425——Etiquette of the profession by which the amount of daily fee to counsel is very much regulated, *ib.* 1413-1419. 1446-1451——Varying amount of the brief fee according to the standing of the counsel and the probable length of the inquiry, *ib.* 1421-1430.

Statement as to its being entirely optional in suitors to employ counsel or to appear personally before the Committee; practically, however, suitors feel it necessary to incur the expense of being heard by counsel, *Coates* 1554-1566——With regard to counsel's fees there is now invariably a fee upon the brief, as well as a daily fee, *ib.* 1709-1716——Calculations showing that an individual landowner cannot appear by counsel for one day at a less expense than 47*l.* 12*s.*, exclusive of his own solicitor's charges, *ib.* 1717-1736. 1743-1747——The system of daily fees is peculiar to Parliamentary Committees; belief that it is very injurious to the junior members of the Bar, *ib.* 1737-1742——Instances of counsel for a Bill, which has been divided into two or three parts, receiving separate fees for each Bill or part, *ib.* 1748-1750——Practice in regard to fees in the event of two or three Bills being condensed into one, *ib.* 1751-1754.

Objections to the present system of counsel's fees, more especially as regards the etiquette of the Bar, that no counsel, however short his standing, is allowed to accept a daily fee or refresher of less than ten guineas, nor a consultation fee of less than five guineas, *Frere* 1973 *et seq.*——Power of clients to appear personally before Committees; this never occurs in practice, *ib.* 1999-2004——Objection more especially to the daily fee or refresher of ten guineas, and to the daily fee of five guineas for consultation, *Smith* 2053-2086.

Explanatory statement as to the general rule and practice of the bar proper (as distinguished from the Parliamentary bar) on the subject of fees, *Sir W. Atherton* 2858-2863——Exceptional instances of any particular amount of fee being insisted upon for services in the courts of law or of equity, *ib.* 2858. 2901-2908——Varying practice of the general bar in regard to refreshers; there is in fact no rule as to the amount, or as to their being paid from day to day, *ib.* 2859-2863——Respects in which the practice of advocacy before Parliament differs from the practice before the ordinary courts, *ib.* 2863——Very recent origin of the Parliamentary bar, that is, from the date of the development of the railway system, *ib.* 2863, 2864.

Several reasons which may be assigned for the liberal scale of fees at the Parliamentary Bar, *Sir W. Atherton* 2865. 2889-2891——Instance in the case only of the Parliamentary Bar of graduated fees not being paid to senior and junior counsel, or to silk-gownsmen and stuff-gownsmen, *ib.* 2892-2899. 2929-2931——Respects in which the members of the Parliamentary Bar are not amenable to regulations by which other members of the Bar are checked, *ib.* 2917-2922——Importance attached to the regulations or etiquette established by the Bar for its own protection, *ib.* 2932-2935.

Self-interest of clients to employ counsel in all important cases, it being however quite optional for them to be represented merely by their solicitors, *Baxter* 3184-3194. 3197. 3229-3232.

2. *Difficulty as to a Reduction of the Fees; sundry Suggestions on the subject:*

The professional charges are the greatest expense of all, and are extremely difficult to be dealt with, *Richards* 352——Difficulty of prohibiting parties from appearing by more than two counsel before the same Committee, *ib.* 371-374. 411——Further statement as to the impracticability of enforcing by rule any direct reduction in the fees, *ib.* 396. 402-410. 420——Under witness's scheme for a permanent tribunal, there should be the same sort

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2. *Difficulty as to a Reduction of the Fees, &c.*—continued.

of bar as at present, but the fees would be greatly reduced by the long sittings, *Rickards* 609, 610.

Check by means of an experienced tribunal upon unduly protracted proceedings on the part of counsel, *Lord Redesdale* 717——Approval of a limit of the number of counsel to be employed before the preliminary tribunal proposed by witness, *ib.* 726——Anticipated satisfaction on the part of opposing landowners under a system restricting the proceedings of counsel, *ib.* 773-775——Opinion that the large fees of counsel may incidentally be touched, *Adair* 1086——Respects in which inexpedient to adopt any regulation confirming the attendance of counsel to one particular Committee or tribunal, *Coates* 1767-1671. 1690-1694.

Recommendation in witness's Report to the Speaker in February last, that the number of counsel for any one party be limited to three, *Frere* 1874. 1995, 1996——Amount of the several fees of counsel, and modifications suggested therein, *ib.* 1975-1982. 2028-2039——The expense of thirty guineas daily, as in the case of junior counsel, should be brought down to twelve or seven guineas, *ib.* 2028-2035——Counsel should be allowed to accept such a fee as is thought by him and his client to be reasonable, *ib.* 2029——The daily refresher should be in accordance with the standing of the counsel and the importance of the case, *ib.* 2033——The consultation fee should be two guineas, *ib.* 2034, 2035.

Proposition that the expense for attendance and consultation be limited to five guineas a day, and that the brief fee be regulated by the talent and standing of the counsel, *Smith* 2065-2071. 2084——With regard to fees paid to counsel, witness considers that any alteration in the system must be done through the bar, *Blenkinson* 2648, 2649——The daily charge of ten guineas, without reference to the standing of the counsel, should if possible be altered, and some members of the bar are in favour of a reform in this respect, *ib.* 2649-2674——It would be a great improvement if the etiquette of the bar were amended so as to admit of junior counsel taking a daily fee of five guineas, *ib.* 2651-2674——Simple means by which a solicitor might become a Parliamentary Agent, and so conduct cases before Committees; inexpediency however of the non-employment of counsel, *ib.* 2675-2689

Opinion that a member of the Parliamentary bar taking a smaller daily fee than ten guineas, would not infringe any rule of etiquette of the bar in general, nor render himself liable to the censure of his circuit, *Sir W. Atherton* 2866-2868. 2875, 2876. 2900——Obstacles to a system of ready money payment of fees to the Parliamentary bar, *ib.* 2871-2873——Witness hesitates to give any opinion as the propriety of a reduction of the fees, and considers that it is a matter which can best be brought about by the Parliamentary bar itself, *ib.* 2874-2880——Statement to the effect that any counsel taking less than the usual fee in the Privy Council or the House of Lords would not commit any such breach of etiquette as to be visited by the censure of the bar in general, *ib.* 2881-2884. 2886-2888. 2927, 2928——Doubt as to its being any particular hardship to the Parliamentary bar if counsel from the courts of law were to accept Parliamentary practice at reduced fees, *ib.* 2909.

Important diminution in the expense of counsel if the number of tribunals sitting at the same time were largely reduced, *May* 3056——A revised scale of fees might be adopted on the authority of the Speaker, and brought under the taxing officer, but a change in this respect can best be settled by the bar, *ib.* 3073-3075——Important improvement if there were no refresher for the daily attendance of counsel, and if there were a larger fee upon the brief, *Patten* 3103-3106——Statement as to the probable willingness of the bar to relax the rule as to junior counsel not taking a less daily fee than ten guineas for attendance, and five guineas for retainer, *Baxter* 3195, 3196.

Suggestion by Mr. Rickards that the fees can best be reduced indirectly, *App.* 346.

Suggestions in Mr. Frere's report to the Speaker, in February 1863, for a reduction in the fees, *App.* 360-362.

Amendments suggested by Mr. Hodgson on the subject of counsel's fees, *Rep.* xviii.

After giving due consideration to all the circumstances the Committee conclude that the daily fee of fifteen guineas is excessive, *Rep.* vii, viii——Hope entertained by the Committee that, with the concurrence of both branches of the legal profession, a modification of the present practice will take place, *ib.* viii——Resolution of the Committee that, independently of the fees marked on the briefs when delivered to counsel, no further or other fees shall be allowed on taxation than five guineas a day, as a refresher for attendance, and two guineas a day for consultation, *ib.* x.

See also *Costs. Delay. Expense. Taxation of Costs.*

Court of Common Pleas. Several instances of companies going to the Court of Common Pleas under Mr. Cardwell's Act, *Booth* 337-341. 343.

Court of Inquiry. See *Tribunal, or Court of Inquiry.*

D

Decisions of Committees. Almost implicit confidence now placed by Parliament in the decisions of its Select Committees, *Rickards* 577. 580——Well founded complaints as to the best lines of railway not having always been decided upon, *Lord Redesdale* 642, 643——Wise determination of Parliament in not reviewing the decisions of its Committees, *May* 304——Less uniformity of decision if there were a greater number of Chairmen, who should sit for shorter periods, *Patten* 3115. 3118.

See also *Tribunal, or Court of Inquiry*, 1. *Uniformity.*

Delay:

Interest of the Counsel to prolong the proceedings from day to day, *Rickards* 367. 386——Great delay and expense of the present system of Private Bill legislation, *Rickards* 412–417; *Massey* 805–809; *Earl Grey* 879, 880; *Fowler* 3328——Probable effect of the inquiry before the tribunal proposed by witness, to delay railway operations for a year; absence of disadvantage thereby, *Lord Redesdale* 656. 683, 760. 764——Reasons for the present second inquiry, before the Committee of the House of Lords, being shorter than the previous inquiry before the Committee in the Commons, *Burke* 1223–1226; *Coates* 1537–1546, 1551, 1552——Doubt as to much time being now employed in proving things not contested, *Burke* 1266–1269.

Object of all parties to shorten the proceedings before Committees, *Burke* 1343–1350——Practice of opponents to contest all material facts, but not to contest unimportant points for the sake of protracting the proceedings, *ib.* 1351–1358——Desire of counsel and of Parliamentary agents to get decisions for their clients as promptly as possible, *Bidder* 2408.

Importance of establishing some principle by which it shall be the interest of the parties to shorten, instead of to lengthen the proceedings, *Patten* 3102–3105——Increased control exercised of late years by the Chairmen over counsel, and over the conduct of the inquiry; much time is however still wasted, *ib.* 3129–3132.

Reference by the Committee to the general concurrence of opinion among the witnesses as to the undue length of the proceedings in contested cases, *Rep.* iii——Great loss of time consequent upon the system of double inquiry, *ib.* i.

See also *Hours of Sitting of Committees.* *Irrelevant Evidence and Discussion.* *Tribunal or Court of Inquiry*, 1.

Denison, Mr. Beckett. Coincidence generally between the suggestions of witness and the views expressed by Mr. Beckett Denison before the Committee of 1858, *Earl Grey* 927, 928.

Deposit of Bills and Plans. With regard to the deposit of the Bill, an early deposit is necessary, and nothing can be saved in this respect, *Coates* 1477——Proposal that when plans are not deposited by the 30th November three days' grace be given, under a payment of 100 *l.* a day, *Bidder* 2217–2223——Approval of the present period for the deposit of plans, *Fowler* 3325.

Deposit (Security for Construction). Expediency of the money deposit being sufficiently large to act as a check upon speculative schemes, and of certain other security being adopted for the construction of the line, *Booth* 202–216. 224–227——Entire inadequacy of the present system of security for the completion of new lines; the deposit has, in fact, utterly failed, *Lord Redesdale* 666–675——Comment on the omission of the Treasury in not having enforced the forfeiture of any deposit, *ib.* 667, 668——Insufficiency of the deposit as a security to the public that the undertaking will be carried out well and efficiently, *Adair* 1088——Respects in which the deposit is not an effectual security for the proper construction of the line, *ib.* 1148, 1149. 1167–1170. 1177–1181. 1203–1207.

Opinion that the deposit now required by the Standing Orders is a very fair security, *Burke* 1439——Objection to the present system of deposit of money, more especially in the case of existing companies, *Bidder* 2224. 2249——Inadequacy of the system of deposit as a check upon the promotion of speculative lines, *Coates* 1829, 1830; *Blenkinsop* 2706. 2723. 2738–2744——Explanation as to the operation of the system of deposit, and as to the bonds given before the money is obtained from the Court of Chancery, *Blenkinsop* 2785–2793.

Clauses proposed by Mr. Whalley on the subject of deposit of money as a security for construction, *App. p.* 396, 397.

Disapproval by the Committee of a departure from the system of deposit to that of a subscription contract, *Rep.* vii.

Deviations from Deposited Plans. Under the scheme proposed by witness, it should be in the power of the Department of Inquiry to allow deviations from the line first proposed, *Booth* 140–142——Powers proposed to be exercised by the Board, as suggested by witness, in amending schemes so that the best line may go before Parliament, *Lord Redesdale*

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Deviations from Deposited Plans—continued.

dale 654. 658——Advantage in the tribunal having the power to alter schemes so as to reconcile conflicting interests, and to adopt the best line for the public, *Lord Redesdale* 722. 739. 741——Importance of a power in the tribunal to deviate, during the course of the inquiry, from the lines marked in the plan, *Whalley* 4856.

Doncaster and Wakefield Railway. Reference to the Bill for the Doncaster and Wakefield line, which had been four times thrown out, as an illustration of the inexpediency of awarding costs against unsuccessful promoters, *Burke* 1274–1276.

Double Inquiry:

1. *Objections to the System of a Twofold Inquiry.*
2. *Evidence in approval of the present System.*

1. *Objections to the System of a Twofold Inquiry:*

Evidence to the effect that opponents would be fairly treated if there were but one tribunal, and that the system of proceeding before two Committees or co-ordinate tribunals might advantageously be dispensed with, *Richards* 464–485. 488, 489.

Decided objection to the present system of a twofold inquiry by co-ordinate tribunals, *Massey* 811–815. 871–878——Statement as to the proportion of contested cases now heard twice over, *ib.* 812——Total of 109 Bills opposed in the House of Commons in 1862 and afterwards sent to the House of Lords, of which forty-six were subsequently opposed in the latter House, *ib.* 1048——In four cases out of these forty-six the Lords differed from the Commons, and threw out the Bills, *ib.*——In eight cases of opposed Bills in the Lords, subsequently brought before the Commons, the latter concurred with the former in each case, *ib.*

Further statement in favour of abandoning the present double investigation by co-ordinate tribunals, *Massey* 1053. 1072–1083——Facility for ascertaining the grounds upon which the four Bills passed in the Commons in 1862 were rejected in the Lords, *ib.* 1053–1061.

Great evil and expense of the double investigation which now takes place in about half of the opposed cases, *May* 2938, 2939. 2956–2958——In all but four cases in 1862, out of about 50, the second inquiry in the Lords may be regarded as superfluous and necessary, *ib.* 2956–2958——Conclusion that the second inquiry, as at present, cannot be viewed in the light of an appeal, *ib.* 2960——Further consideration of the disadvantages of the present system of double inquiry by co-equal tribunals, *ib.* 3010–3021.

Concurrence of the Committee in the view that much unnecessary expense and loss of time are occasioned by the existing practice of hearing witnesses and counsel twice over in every case which is contested in both Houses, *Rep.* vi.

2. *Evidence in Approval of the present System:*

Reasons for preferring the present system to a Committee of Members of both Houses, *Lord Redesdale*, 745–748. 795–800; *Massey*, 867–870——Approval of an appeal to a second tribunal, rather than of the decision resting entirely with a joint Committee of both Houses, *Burke* 1219.

Witness is strongly in favour of the system of a separate tribunal in each House, and adduces several illustrations of the importance of a Court of Review or Appeal, *Coates* 1755. 1761–1774. 1797–1803——Respects in which the Committee in the Lords, when considering Bills which have passed in the Commons, differs from a Judicial Court of Appeal, *ib.* 1813——Approval of the Committee of the Lords having power to veto a measure passed by the Commons' Committee, although both courts are of a co-ordinate jurisdiction, *ib.* 1814–1816. 1818–1824——Approval of the present system of two tribunals, *Smith* 2045; *Fowler* 3337–3339.

See also *Expense.* *Madely, Drayton, and Newcastle-under-Lyme Railway Bill.* *Mersey Docks Bill.* *Single Inquiry.*

Drainage Bills. Instance of an important Drainage Bill having been conducted through both Houses entirely without counsel, *Coates* 1556.

E.

Estate Bills. Great expense incurred in Estate Bills on account of the House fees; illustration of this, *Smith* 2116–2121.

Estimates. Imperfect character of the present system of inquiry in the case of contested estimates; unnecessary evidence taken, *Bidder* 2273–2275. 2279–2289. 2299–2303——The estimates should be sub-divided under different heads, *ib.* 2273——If contested, the estimates should go before the Board of Trade, by whom the question should be decided, and who should report thereupon to the Committee, *ib.* 2273–2313.

Estimates—continued.

Growing reluctance on the part of Committees to investigate estimates; advantage of such investigation, *Fowler* 3342. 3346-3352——Objections to the inquiry into the estimates being transferred to the Board of Trade, *ib.* 3342-3345.

See also *Financial Inquiry.*

Examiners of Standing Orders. Satisfactory operation of the system adopted in 1854' whereby the Examiners of Standing Orders in the Commons have also acted as Examiners for the Lords, *May* 3045-3050——Great improvement by the appointment originally of Examiners of Standing Orders, *ib.* 3948.——*See* also *Financial Inquiry.*

EXPENSE:

1. *Costly Character of Private Bills under the present System.*
2. *Suggestions for a less Expensive System of Legislation.*

1. *Costly Character of Private Bills under the present System:*

Considerable and well-founded complaints made against the present system of Private Bills legislation on the score of its expense, *Rickards* 345, 346; *Lord Redesdale* 642; *Massey* 805-809——Inferior competency of the present tribunal as compared with the enormous price paid for it by suitors, *Massey* 807——Witness has long considered that the present system of Private Bills legislation is more dilatory and costly than it need be, *Earl Grey* 879, 880.

Undue expenses attendant upon Railway Bills, and causes thereof, *Adair* 1086——Advantage of the expense under the present system as a check upon bad projects; it is, however, a check also upon useful projects, and upon individual opposition, *Coates* 1807-1812. 1825-1828——Increased opportunity for expensive opposition by powerful companies in their being a second tribunal, which may throw out the Bill, *Bidder* 2422-2424.

Witness considers that the railways in which he is interested in Wales have cost double as much as they would have done if there had been a satisfactory tribunal, and a settled system of jurisdiction; grounds for this conclusion, *Whalley* 2811-2815——Independent character of the lines in question, although they run into the Great Western and the London and North Western, at certain points, *ib.* 2816-2818. 2822-2827——Opposition of the two great companies to the Bills for these lines, and immense expense thrown thereby upon the promoters; improper character of this opposition, as in the case of the Coventry and Whitchurch line, *ib.* 2818-2832——Effect of the uncertain and enormous cost of the Parliamentary investigation in deterring the promotion of *bonâ fide* schemes by landowners and others, *ib.* 2830-2836. 2853-2855.

Grave defects still unremedied in the system of Private Bill legislation, and exceeding costliness of the proceedings from various causes, *May* 2938, 2939——Unnecessary evidence and expense in proving the necessity of proposed lines, which is often not disputed at all, *Fowler* 3328.

General concurrence of opinion among the witnesses as to the costliness of the proceedings in contested cases, *Rep.* iii——Great and unnecessary expense consequent upon the system of double inquiry, *ib.* vi.

2. *Suggestions for a less Expensive System of Legislation:*

Saving of expense by witness's scheme for delegating inquiries to a Government department; economy thereby, not only in Parliamentary fees and in printing, but in the personal attendance of Parliamentary agents and solicitors, *Booth* 108-114——Considerable saving of expense if there were but one joint Committee, *ib.* 249. 317-324——The expense cannot be materially lessened without altering the present tribunal, *Rickards* 347. 417-419.

Several respects in which the preliminary inquiry, as proposed by witness, would effect economy, *Lord Redesdale* 678. 693. 697——Considerable saving of expense under witness's scheme in there being a great diminution of contested business before Parliament, *ib.* 678, 679. 693-697.

Doubt whether the expense would, on the whole, be diminished by having one permanent tribunal out of Parliament, instead of several Parliamentary tribunals, *Coates* 1687-1690——Belief that under witness's scheme the expense of railway projects would be vastly diminished in the great majority of cases; illustration in the case of inclosures, *Whalley* 2851, 2852.

Suggestions for obviating much of the present expense in unopposed cases; the great expense is, however, the opposed cases, *May* 2968-2985——Less expense on the score of counsel's fees, &c., by the proposed Court sitting continuously, *ib.* 3003-3009——Certain measures requisite for facilitating the construction of railways without the necessity or expense of application to Parliament, *Baxter* 3270-3272.

Further statement by Mr. Rickards relative to the expensiveness of the present system, with suggestions for a reduction of the expenses, *App. p.* 345, 346.

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EXPENSE—continued.

2. *Suggestions for a less Expensive System of Legislation*—continued.

Statement by Mr. Whalley of the main causes of the great expense involved in the present system, with suggestions for a reduction thereof under an entirely new system, *App. p.* 382 *et seq.*

See also *Board of Trade. Competition. Copies of Minutes of Evidence. Costs. Counsel and Counsel's Fess. Delay. Double Inquiry. House Fees. Irwell Navigation Bill of* 1862. *Parliamentary Agents. Single Inquiry. Solicitors' Charges. Stone and Rugby Railway Bill. Taxation of Costs. Tribunal, or Court of Inquiry.*

F.

Fares. Question of reduction of fares adverted to as dependent mainly upon the fact of the traffic not being too much distributed through competition, *Bidder* 2465–2478—— Desire of witness to effect an important reduction of fares over the Great Eastern line, of which he is a director; benefit anticipated to the Company, *ib.* 2465–2467. 2478.

Fees. See *Counsel and Counsel's Fees. House Fees. Solicitors' Charges.*

Financial Inquiry. Careful inquiry to be made by the proposed Board of three members into the financial condition of the promoters of new schemes, *Lord Redesdale* 665—— Expediency of inquiry into the financial position of new companies, *Adair* 1144, 1145 —— Nature of the investigation proposed to be made, and of the security to be required beyond that of the present system of deposit, *ib.* 1146–1150——Importance of an investigation of the financial position of new companies as a check upon speculative schemes, *ib.* 1208–1210——Willingness of *bonâ fide* promoters to assent to an inquiry into the financial question, *ib.* 1211.

Advantage in the financial inquiry being conducted by the Examiner on Standing Orders, who should report thereupon to the Committee on the Bill, *Coates* 1835–1841 ——The report of the Examiner should not be conclusive, *ib.* 1837——Approval of a preliminary inquiry before the Examiner on Standing Orders, in order to decide upon the financial ability of promoters, *Blenkinsop* 2713–2722. 2745–2747——Disapproval of the Board of Trade undertaking the inquiry into the financial merits, *ib.* 2745–2747.

See also *Estimates.*

Fowler, John. (Analysis of his Evidence.)—As civil engineer has had considerable experience in connexion with Railway Bills, 3324——Approval of the period now fixed upon for the serving of notices and the deposit of plans, 3325——Objection to doing away with the schedule in the notice to landowners, 3326——Strong disapproval of any legislative duties being delegated to a department of the Government, or to any attempt at preliminary inquiries in lieu of the inquiries before Select Committees, 3327. 3329-3332. 3342–3345——Increase of expense under a system of preliminary inquiry by a tribunal out of Parliament, 3327.

Public satisfaction with the decisions of the present tribunal, 3327——Improvement suggested in the practice of the Committees on the question of alternative lines, 3327 —— Unnecessary evidence and expense in proving the necessity of proposed lines, which is often not disputed at all, 3328—— Objection to unopposed schemes being removed from the immediate supervision of Parliament, 3329-3332——Expediency of a revision and reduction of the House fees on unopposed Bills, 3332–3336.

Approval of the present system of double inquiry, 3337–3339——Objection to any rule providing that Bills which have been once or twice rejected shall not be re-introduced, 3339, 3340—— Expedience of full facility being given to existing companies to oppose on the ground of competition, 3341——Disapproval of engineering and financial questions being delegated from the Committee to a tribunal out of doors, 3342——Growing reluctance on the part of Committees to investigate estimates; advantage of such investigation, 3342. 3346–3352.

Satisfactory character of the present tribunal so long as competent Chairmen can be found, 3343——Probable advantage if the Board of Trade were to report upon facts, without, however, making recommendations to the Committee, 3343-3345——Instances of railway lines having been carried out in Ireland at a total expense of not more than 6,000 *l.* a mile; under extremely favourable circumstances, they may be constructed for even less, 3353-3361.

Frame of Private Bills. Improvement effected by witness and others in the frame of Private Bills by an arrangement and grouping of the clauses, *Booth* 4, 5.

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France. Question as to the expediency of the French system in regard to the promotion of new railway schemes, *Earl Grey* 999, 1000——Satisfactory operation of the system in France of determining separately the question as to the expediency of the project, *Whalley* 2856.

Free Trade in Railways. Evidence in favour of greatly increased facilities for the construction of new lines of railway, and of injury on the ground of competition not being taken into consideration, *Booth* 39 *et seq.*——Witness does not contemplate any limit being fixed to the extent of the schemes, or the amount of capital, *ib.* 115, 116——Opinion that the time has now come for abandoning the system of protection in the case of railways, and that every facility should be given for their extended construction, *ib.* 167–169. 188–191. 227. 230, 231——It should be left to the promoters to determine whether a new line is wanted; and the fact of their having staked their money should be taken as a proof that such line is for the public interest, *ib.* 192–200. 220–232.

Grounds for strongly objecting to the proposition of Mr. Booth for free trade in railways, *Lord Redesdale,* 716——Examination to the effect, that the promoters of a line, who are willing to invest their money in it are not necessarily the best judges whether the line will pay, and that other evidence should be heard on this point by the Committee, *Massey* 849–858——Province of Parliament to require evidence that a line is a good one for the public, but not that it will be a paying line, *ib.* 862–864——Decided objection to the proposition of Mr. Booth in favour of unrestricted competition in railways, and of limiting the opposition of landowners and existing companies, *Earl Grey* 1019–1045.

See also *Opposition to New Schemes, or Locus Standi.*

Frere, Charles. (Analysis of his Evidence.)—Taxing officer of the House of Commons, 1859, 1860——The taxation of Private Bills is not compulsory, and rests with the parties themselves, 1861, 1862. 1935–1938——The professional charges are regulated by the Speaker, and are laid down in a certain published scale, in accordance with Act, 1863——Witness has recently reported upon these charges, by the desire of the Speaker, 1864.

Careful consideration given by witness to the charge made by solicitors for the copies of evidence; grounds for the conclusion that this charge should be reduced from 8 *d.* per folio to 4 *d.* per folio, without any increase of remuneration from other sources, 1865 *et seq.*——The solicitor has no power to make any charge not sanctioned by the Speaker, 1866, 1867——Recommendation in witness's report that the number of counsel for any one party be limited to three, 1874. 1995, 1996.——Great convenience if the Minutes of Evidence were printed by the House, and were supplied irrespectively of the solicitor; the expense should be defrayed by the parties adducing the evidence, 1887, 1888. 1919–1923——Great economy in printing the evidence if several copies were required, 1887. 1919–1922.

Importance attached to short-hand writers' notes of the evidence, although it has been suggested that they might be abolished altogether, 1889–1892——Recommended reduction of the copying charges upon all documents besides the Minutes of Evidence, on account of the tendency of high charges to cause a multiplication of copies, 1893–1897——Unduly large amount which solicitors now obtain in fees for copies of the evidence, 1898–1905——Approval of the solicitor's remuneration being limited to his attendance fee of five guineas, the consultation fee being, at the same time, reduced to one guinea, 1904–1918——Fee of 9*d.* per folio to Mr. Gurney; this applies in any case, 1925–1928.

From thirty to forty accounts have been taxed by witness in each year, and the reduction is sometimes considerable, 1929–1934——Frequent charge by solicitors for the attendance of clerks; witness has always struck this off, 1940, 1941——Extravagant amount allowed as the charge for taxation, so that clients applying for taxation are sometimes put to great expense for little gain, 1942–1946——Circumstances under which a discretion is exercised by witness in regulating the charges, 1947–1950.

Propriety on the whole of the charges of the Parliamentary agents, so that witness does not propose any important alteration therein, 1954–1960——Higher charges allowed to solicitors on business in Parliament than in the law courts; expediency thereof, 1961–1965——Difficulty of more definitely regulating the payment for each particular work done by the solicitor, 1966–1970.

Interference by witness in the event of costs being charged for an unreasonable number of counsel, 1971, 1972. 2019, 2020——Objections to the present system of counsel's fees, more especially as regards the etiquette of the Bar that no counsel, however short his standing, is allowed to accept a daily fee or refresher of less than ten guineas, nor a consultation fee of less than five guineas, 1973 *et seq.*——Amount of the several fees of counsel, and modifications suggested therein, 1975–1982. 2028–2039.

Practice of witness not to strike off the fee of any counsel for non-attendance, 1997, 1998——Power of clients to appear personally before Committees; this never occurs in practice

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practice, 1999-2004——Necessity of the Parliamentary agents being comprised in a certain list approved by the Speaker, 2005-2011——Different fee of the Parliamentary agent upon the preamble of the Bill and upon the clauses; the scale does not contemplate his appearing as an advocate, 2021-2027.

Frere, Mr. Letter from Mr. Frere to the Speaker, and report submitted therewith relative to a revision and reduction of the professional charges, *App. p.* 359-375.

G.

General Act:

Nature of the clauses suggested for a General Act applicable to railway legislation, *Booth* 10, 11——Security through the proposed clauses that, if certain powers are to be granted to a company, they shall be guarded by proper restrictions, *ib.* 13. 26, 27——Way in which the proposed General Act will enable the Select Committee more readily to control the Private Bill, and will save them some time in doing so, *ib.* 14. 16, 17. 20-28——In unopposed cases it should be sufficient for some department to certify that the conditions of a General Act were complied with, *ib.* 39-42. 48-63.

With regard to the necessity of Private Bills and Parliamentary Committees having been obviated in the case of settled estates, enclosures, joint-stock concerns, &c., all these are very different from the case of railways, *Lord Redesdale* 701-705. 713.

Proposition that a certain class of railway cases be dealt with by a Government department, subject to the provisions of a General Act, *Massey* 810, 811. 822-824; *May* 2968-2972. 2974-2985.

Disadvantage in further reducing into general laws or Provisional Orders the subjects dealt with by Private Bills; slight effect thereof upon the expense to promoters, *Coates* 1781-1786.

Witness can supply many cases in which compliance with the clauses of a General Act should obviate the necessity of Private Bills, *Bidder* 2458-2462.

Further explanation by Mr. Booth as to the nature of the clauses to be incorporated in a general Act, *App.* 343, 344. 351.

Consideration of suggestions that general legislation might lay down certain conditions under which a department of the Government might sanction certain projects, *Rep.* v.——Approval of promoters being allowed at once to proceed with the execution of their undertaking, or otherwise to exercise the powers conferred by the General Act, on the certificate of the department that they have complied with the conditions of the Act, *ib.*

Concurrence of the Committee in the suggestion for extending the Railways Clauses Consolidation Acts of 1845, by the insertion of further provisions in General Acts to be based on the plan of the Acts of 1845, *Rep.* v. vi. ix.

Recommendation that a Bill be prepared and brought in for enabling new and existing railway companies, on compliance with conditions prepared therein, such compliance to be certified by a department, to make new lines of railway and new railway works, where all parties are consenting, and also for accomplishing certain objects, *Rep.* ix.

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Government Department. See *Board of Trade. General Act. Preliminary or Local Inquiry. Tribunal or Court of Inquiry.*

Gradients. Limit upon companies as to any deviation from the gradient required by Parliament, *Coates* 1478-1480.

Great Eastern Amalgamation Bill. Reference to the Great Eastern Amalgamation Bill of last Session, and the important matters connected therewith, which were settled respectively by Lord Redesdale and Mr. Galton, instead of by the Select Committee, *Bidder* 2443-2456.

Grey, The Right Honourable Earl. (Analysis of his Evidence.)—Has long considered that the present system of Private Bill legislation is more dilatory and costly than it need be, 879, 880——Lays before the Committee a memorandum drawn up by him in 1858, suggesting the adoption of a plan by which Parliament should transfer the duty to a more competent tribunal 880-882——This paper was communicated to Mr. Austin, and others, who generally approved of it, but suggested certain improvements in the scheme, which witness also submits and proposes to adopt, 880.

Proposition that all Railway Bills should first go before the Board of Trade, 882. 888. 891——Way in which the Board of Trade should deal with unopposed Bills, and greater security thereby to the public interests than by such Bills being looked after by the Committee on Standing Orders and the Committee on unopposed Bills, 882. 902, 903——In the case

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case of opposed Bills, a Committee should be appointed from the Board of Trade, consisting of the President or Vice-President, and two or more assessors, or permanent officers, 882. 897, 898.

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1. *Evidence in favour of a separate Inquiry into the Engineering Merits, &c.:*

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2. *Reduction effected in* 1847.
3. *Practice as to the Charge for Copies of the Minutes of Evidence.*
4. *Question as to a Reduction or Abolition of the foregoing Charge.*
5. *As to a Reduction of the Charges generally; Scale proposed hereon by Mr. Frere.*
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Subscription Contract. Better security by means of a subscription contract than by a deposit, *Lord Redesdale*, 669-675——Less speculative character of the schemes brought forward if a proper system of subscription contract were adopted under an improved tribunal, *ib.* 718–722——Nature of the inquiry desirable, in order to test the *bonâ fide* character of a subscription contract, *ib.* 784–787.

Advantage of a subscription contract, properly inquired into, over the present system of a deposit, *Adair*, 1171–1176——Inoperative character of the former subscription contract, it having been very much evaded, *Burke*, 1439, 1440——Importance attached to the former plan of a subscription contract, and to the first inquiry being directed to the financial portion of the scheme, *Coates*, 1831–1834.

Witness is in favour of revising the old system of subscription contract, *Blenkinsop*, 2706——Suggestion, that the best check upon speculative schemes, and the best security for the completion of the undertakings, may be afforded by subscription contract, with the restriction that the subscribers cannot part with their shares until 25 per cent. of the capital has been paid up, *ib.* 2706–2712.

The Committee consider that the investigation could not be made with any more useful results, if the former system of a subscription contract were resorted to, *Rep.* vii.

Surveys. Considerable expense to be saved by witness's scheme on the score of surveys and the inquiries thereupon, *Whalley*, 2856.

T.

Taxation of Costs. Suggestion that the scale of costs allowed on taxation might be beneficially reduced in some points, *Rickards*, 352——The taxation of Private Bills is not compulsory, and rests with the parties themselves, *Frere*, 1861, 1862. 1935–1938——From 30 to 40 accounts have been taxed by witness in each year, and the reduction is sometimes considerable, *ib.* 1929–1934——Frequent charge by solicitors for the attendance of clerks; witness has always struck this off, *ib.* 1940, 1941——Extravagant amount allowed as the charge for taxation, so that clients applying for taxation are sometimes put to great expense for little gain, *ib.* 1942–1946.

Circumstances under which a discretion is exercised by witness in regulating the charges, *Frere*, 1947–1950——Interference by witness in the event of costs being charged for an unreasonable number of counsel, *ib.* 1971, 1972. 2019, 2020——Practice of witness not to strike off the fee of any counsel for non-attendance, *ib.* 1997, 1998.

Considerations as to the expediency or otherwise of a taxation of costs in the case of Parliamentary fees; satisfactory operation of the system of taxing masters in the Courts of Law and Equity, *Sir W. Atherton*, 2910–2916. 2923–2926——Non-interference of the taxing officer with the fees paid to counsel, as having been established from the first by usage, *May*, 2942–2944——Limited character of the taxing officer's control in regard to counsel's fees, *ib.* 3071, 3072.

Report, 1863—*continued.*

Taxation of Costs—continued.

With regard to the charges in solicitors' bills, as taxed by the House, witness will furnish the Committee with bills in illustration, *Baxter*, 3233–3242.

Suggestions in Mr. Frere's report to the Speaker in February 1863, on the subject of taxation of costs, *App. p.* 363, 364.

Telegraph Bills. Reference to the Bill now before the House for regulating and restricting the powers to be taken by telegraph Bills, *Booth*, 5, 6.

Through Booking. Check to competing schemes if all companies were to grant facilities to each other in the way of through booking over each others lines; inequality, however, of any rule to this effect, *Blenkinsop*, 2572, 2573.

Traffic. Circumstances under which inquiry nto the question of traffic becomes an important matter, *Adair*, 1154–1156.——Much less inquiry than formerly into the question of traffic, as affecting existing companies; expediency, however, of opponents being fully heard upon this point, *Coates*, 1509–1530.

Tribunal, or Court of Inquiry:

1. *Generally as to the Constitution and Operation of the present Tribunal.*
2. *Objections to a Tribunal outside Parliament.*
3. *Scheme proposed by Mr. Adair.*
4. *Scheme proposed by Mr. Booth.*
5. *Scheme proposed by Earl Grey.*
6. *Scheme proposed by Mr. Erskine May.*
7. *Scheme proposed by Lord Redesdale.*
8. *Scheme proposed by Mr. Rickards.*
9. *Scheme proposed by Mr. Whalley.*
10. *Conclusions of the Committee.*

1. *Generally as to the Constitution and Operation of the present Tribunal:*

Improvement during the period from 1839 to 1850 in the constitution of the Select Committe upon Private Bills, *Booth* 4——Witness disapproves of the present tribunal for conducting the inquiries, and recommends a transfer of the jurisdiction, *Rickards* 499. 504 *et seq.*——Inconvenience in the Members of the Legislature being now occupied upon Private Bill Committees, *ib.* 578, 579——With regard to an improved constitution of the existing tribunal, witness does not consider that much can be done, *ib.* 616, 617——Apprehension that the present system of Railway Committees will become less efficient, *ib.* 638, 639——Opinion as to the necessity of a change of the tribunal, in order to obtain more satisfactory legislation, *Lord Redesdale* 642. 644.

Witness considers that the system of a Select Committee in both Houses of Parliament has given general satisfaction, *Burke* 1217–1219——With regard to the tribunal itself, witness concurs in the view that the present system of a Select Committee in each House is the most satisfactory that can be devised, *Coates* 1507, 1508——Further statement as to the satisfactory character of the present tribunal, and as to the inaccuracy of the conclusion that there is any real want of uniformity in the decisions, *ib.* 1695–1708. 1788.

The present tribunal fairly hears both sides, and substantial justice is done, *Bidder* 2212–2215. 2309. 2329, 2330——Witness does not wish for a better or fairer tribunal, *ib.* 2309——Proper fulfilment of the duties of a Member of Parliament in acting upon Private Bill Committees, *Blenkinsop* 2503–2509——Objection to giving the tribunal a strictly judicial character, *ib.* 2504–2506.

Great improvement and diminished expense, within the last twenty years, in the conduct of private business before Parliament; serious defects, however, still requiring amendment, *May* 2937–2939——Argument that the present tribunal, though possessing some important advantages, is yet encumbered with defects which cannot be corrected, save by the establishment of an entirely new system, *ib.* 2999–3004. 3076–3078——With regard to the defective constitution of the existing tribunal for considering Private Bills, the main defect is that it is a trial by jury without a judge, *ib.* 3076.

Dissent from the opinion that the present tribunal is very unsatisfactory, or that it is a jury without a judge, *Patten* 3128——Great public satisfaction with the decisions of the present tribunal, and great dissatisfaction if any tribunal were constituted out of Parliament, *Baxter* 3262——Satisfactory character of the present tribunal so long as competent chairmen can be found, *Fowler* 3343.

Statement by Mr. Whalley of the several objections to the present tribunal, *App.* 382, 383.

2. *Objections to a Tribunal outside Parliament:*

Conclusion that no satisfactory tribunal can be established which is not a Parliamentary one, *Lord Redesdale* 644, 645. 655. 700, 701——Approval in principle of a transfer of the jurisdiction to a tribunal out of doors; obstacles, however, to the constitution of such tribunal,

Tribunal or Court of Inquiry—continued.

2. *Objections to a Tribunal outside Parliament*—continued.

tribunal, Parliament, moreover, being unwilling to part with its jurisdiction, *Massey* 805, 806. 819–821. 1064–1070——Objection to a merely judicial tribunal in lieu of the present system, *ib.* 821——Probability of the objections of Parliament to the establishment of a tribunal out of doors being in time done away with, *ib.* 1064–1070.

Disapproval of a fixed tribunal outside the House, as compared with the present system, *Bidder* 2425–2435——Evidence opposed to any other than a Parliamentary tribunal; the result in such case would most probably be a protracted inquiry, and an increased expense, *Blenkinsop* 2490. 2631–2643. 2795–2798——An outside tribunal would not be satisfactory without the power of appeal, and appeals to a Parliamentary tribunal would be constantly resorted to, *ib.* 2636–2643.

3. *Scheme proposed by Mr. Adair:*

Evidence in favour of a system of paid Chairmen as the best means of securing efficient tribunals, *Adair* 1087–1090. 1113–1115——Suggestions relative to the functions of the Members to be associated with the proposed paid Chairmen in constituting the Committees, *ib.* 1089——Associated Members should not be called upon to sit more than ten days, and should be judges only of facts, *ib.* 1089. 1103, 1104——Consideration of objections to witness's scheme, so far as relates to the proposed veto in the Chairman of each Committee upon the views of the two associated Members, *ib.* 1186–1193——Opinion as to the adequacy of three Committees, constituted as proposed, for doing all the work of each Session, *ib.* 1196–1198.

4. *Scheme proposed by Mr. Booth:*

Evidence in support of a transfer to some Government Department of the duty of considering both opposed and unopposed schemes, and of sanctioning certain measures, subject to the conditions of a General Act, *Booth* 39 *et seq.*——Advantage of Select Committees of the two Houses, rather than of a judicial tribunal out of Parliament, for determining open questions, which must still arise in connexion with the sanctioning of new schemes, *ib.* 240, 241. 256——Large number of schemes which must still go before Select Committees under the plan contemplated by witness, *ib.* 255, 256.

Papers explanatory in detail of the views of Mr. Booth, and of his proposition for extending the action of the Board of Trade as a Court of Inquiry under a General Act, *App.* 343, 344. 351–356.

5. *Scheme proposed by Earl Grey:*

Witness lays before the Committee a memorandum drawn up by him in 1858, suggesting the adoption of a plan by which Parliament should transfer the duty to a more competent tribunal, *Earl Grey* 880–882——This paper was communicated to Mr. Austin and others, who generally approved of it, but suggested certain improvements in the scheme, which witness also submits and proposes to adopt, *ib.* 880——Way in which the Board of Trade should, under this scheme, deal with unopposed Bills, *ib.* 882. 902, 903——In the case of opposed Bills, the Committee should be appointed from the Board of Trade, consisting of the President or Vice-President, and two or more assessors, or permanent officers, *ib.* 882. 897, 898.

Contemplated conduct of the proceedings before the Committee of the Board of Trade in the same way as before the Parliamentary Committees, *Earl Grey* 882. 889–901——The President of the Board should from time to time introduce into Parliament Public Bills for giving effect to the measures approved of, *ib.* 882. 909, 910——A scale of fees should be adopted in order to meet the expense of the increased establishment of the Board, *ib.* 882. 910–913.

Proposition that promoters or opponents unsuccessful before the Board of Trade should have a right to petition Parliament, and that such petitions, together with the report of the Board of Trade be referred to a Standing Committee appointed to act for both Houses, *Earl Grey* 882. 888–892. 954–956——Way in which the Standing Committee should be composed, *ib.* 882——In the event of either House determining upon a further inquiry after hearing the report of the Standing Committee the matter should be referred finally to a Select Committee composed of two Peers and three Members of the House of Commons, *ib.* 882. 892——Argument in refutation of objections to trusting the Executive Government with some control over private legislation, *ib.* 882. 930–932. 946. 982–986.

The sittings of the new tribunal proposed by witness out of Parliament should be continuous throughout the year like the Courts of Law, *Earl Grey* 882, 971, 972. 987–989——Absence of any expense to the parties in regard to the reference of the case to the Standing Committee of the two Houses, *ib.* 885——Advantage of the permanent element in the Committee proposed by witness out of Parliament, *ib.* 889. 907. 929. 948–950——Belief that only in an extremely small minority of cases would the decision of the Committee of the Board of Trade be appealed from, or set aside, *ib.* 894–896. 970. 982——Advantage in one or two of the permanent Members of the Committee of the

Report, 1863—*continued.*

Tribunal or Court of Inquiry—continued.

5. *Scheme proposed by Earl Grey.*—continued.

Board of Trade being engineers or persons conversant with railways, *Earl Grey* 907, 908. 914, 915.

Advantage of the proposed Standing Committee, in conjunction with the check of imposing costs, as a bar to frivolous appeals, *Earl Grey* 933-937. 962-964——The Standing Committee should decide by documentary evidence whether each scheme referred to it should be finally tried by a Select Committee of both Houses jointly, *ib.* 951-953——Contemplated full character of the documentary evidence before the Standing Committee, *ib.* 957-961——Contemplated re-hearing of witnesses before the final or Select Committee; very few cases, however, which would go before this Committee, *ib.* 967-970.

Doubt whether it would be expedient at first to bring other classes of Bills than Railway Bills before the Committee of the Board of Trade, *Earl Grey* 992-994——When schemes are appealed against the report of the Board of Trade would state the case of the promoters sufficiently full, *ib.* 1015——Advantage of a deliberate settlement of the policy of Parliament in regard to railways, by means of the proposed tribunal, *ib.* 1016-1018.

6. *Scheme proposed by Mr. Erskine May:*

Conviction that the only complete remedy for the whole of the present evils is to be found in the constitution of a distinct tribunal, *May* 2954. 2956. 2999-3004. 3076-3078——Proposition that a tribunal be constituted, independent of Parliament, that it be as judicial in its character as possible, and that it comprise the most competent men that can be obtained, *ib.* 3003-3009——Contemplated sitting from November till August of the court proposed by witness; advantages thereof, *ib.* 3003. 3006, 3007—— Expediency of the decisions of the court being liable to be overruled by Parliament, *ib.* 3004, 3005——Suggestion that the decisions of the court be reviewed by Parliament, through a joint Committee of both Houses, who should decide upon questions of re-hearing, &c., *ib.* 3037, 3038.

7. *Scheme proposed by Lord Redesdale:*

Suggestion that the proposed tribunal be composed of two Members of the House of Commons and one Member of the House of Lords, to be appointed by the Houses, *Lord Redesdale* 645——Proposition that all new schemes be brought before this tribunal or Board, and that no Bill be proposed to Parliament which has not received the sanction of the Board, *ib.* 646-654. 680-682——The Parliamentary Tribunal or Board constituted as suggested by witness, might, if found to work well, ultimately be entrusted with final jurisdiction, *ib.* 646. 653. 698, 699——The Board should sit during the autumn and winter, *ib.* 651——The Members should be paid, *ib.* 655.

Several advantages in the tribunal being a Parliamentary one, appointed by the Houses, *Lord Redesdale* 655. 700, 701——Contemplated reference of any petitions against schemes sanctioned by the new Parliamentary Board proposed by witness, to another Committee of the House, composed of experienced Members, who should report to the House to what extent the petitioners should be heard, *ib.* 659-664. 690-698. 712. 738——Measures sanctioned by the Board should still come before Parliament as Private Bills, *ib.* 677——Full character of the inquiry to be made by the preliminary tribunal, *ib.* 683-685. 689. 714. 764, 765——Great advantage anticipated from the experienced character of the tribunal, *ib.* 685. 701. 715.

Approval of the Board reporting the evidence taken, and their own conclusions thereupon to the House, *Lord Redesdale* 686-688——Improbability of Parliament being prepared at present to abdicate its final jurisdiction in favour of the proposed Board, *ib.* 698. 701——Railway Bills only should be referred to the proposed tribunal, *ib.* 706.

Further statement as to the important powers proposed to be vested in the preliminary tribunal, although it is not proposed to give them at first the same jurisdiction as the present Committees, *Lord Redesdale* 735-739——Sufficiency of the proposed tribunal for deciding upon all railway schemes, that is, whether they are to go on or not, *ib.* 740, 741. 759-763——Obstacle to the proposed Board sitting much during the Parliamentary Session, *ib.* 759——Adequacy of a sitting of four or five months to enable the Board to get through all their work, *ib.* 760-763.

Reasons for concluding that Parliament would have confidence in the proposed tribunal in regard to its rejection of schemes, whilst in the case of approved schemes, Parliament would be unwilling at present to part with the final jurisdiction, *Lord Redesdale* 788-792——The tribunal should be appointed annually, *ib.* 793——The sittings should commence soon after the close of the Session, *ib.* 794——Remedy in the revision of a Committee of the House in the event of mistaken decisions by a majority of the preliminary tribunal, *ib.* 801, 802.

8. *Scheme*

Report, 1863—*continued.*

Tribunal or Court of Inquiry—continued.

8. *Scheme proposed by Mr. Rickards:*

Proposition that a new tribunal be formed consisting of four Members, the President of which alone should be a Member of the House of Commons, *Rickards* 505–507. 518–522 Many of the powers now sought by railway companies do not in fact require further sanction than that of some department, *ib.* 507–509——The court proposed by witness should sit throughout the year, and should do a full day's work daily, *ib.* 507——In the first instance Railway Bills only should be referred to the proposed tribunal; this should be compulsory, *ib.* 509. 515. 523. 629.

Witness sees no objection to a permanent court, as not likely to move with the times, *Rickards* 516–518. 555. 570——The Members or Commissioners, including the President should all be paid, *ib.* 519, 520——Reasons for preferring that a separate tribunal be constituted, rather than that the Board of Trade should be entrusted with the matter; this, however, is not very material, *ib.* 524–528. 551–560——The Members should be appointed by Government or by the House, *ib.* 529–531.

Calculation that by sitting permanently, one court may, without difficulty, consider all the railway business, *Rickards* 532–536——In certain matters, the action of one Member should be sufficient, *ib.* 536, 537——Extent to which the President of the court should be responsible to Parliament for the acts of the court, *ib.* 544–551——His duties as president, would be very analogous to that of the Chairman of Ways and Means, *ib.* 548–550.

Advantage of the proposed tribunal being composed of the same class which now furnishes the most approved Chairmen of Private Bills Committees, *Rickards* 561, 562——Probability of Parliament having every confidence in the action of the tribunal, without at the same time indorsing too implicitly their decision, *ib.* 572, 573. 580——Witness contemplates that the proposed tribunal should exercise a similar jurisdiction to that of the present Committees, *ib.* 581–585——During the Session of Parliament, the President of the tribunal should not take so large a share of the labours as the other Members, 586–591.

In trying cases judicially, two or three Members should be in attendance, *Rickards* 595–599——The President should have a casting vote, *ib.* 615——Members of the Board should be required to be free from any interest in the cases tried by them, *ib.* 612, 613—— Improbability of the proposed tribunal adopting an obstinate or incompetent view of the subjects brought before them; remedy in such case, *ib.* 626–628.

Witness lays before the Committee a certain paper in elucidation of his views in regard to the constitution of a new tribunal, *Rickards* 640, and *App.* 348–350.

9. *Scheme Proposed by Mr. Whalley:*

Proposition that the Board of Trade shall supply the tribunals for considering railway schemes, that they shall report upon each scheme to the House, and that Parliament shall retain the power of referring each case to a Select Committee as at present, *Whalley* 2837 *et seq.*——Improbability of many cases being referred by Parliament to a Select Committee, so that the enhanced expense of a two-fold inquiry would very rarely arise, *ib.* 2838–2856.

Papers in elucidation of the views of Mr. Whalley, for the adoption of an inquiry similar to that in the case of enclosures, *App.* 381–399.

10. *Conclusions of the Committee:*

Concurrence in the view as to the most satisfactory court of inquiry being that of Committees composed of Members of the Houses of Parliament, *Rep.* iii.——Consideration of the scheme proposed by Lord Redesdale, and grounds for disapproving thereof, *ib.* iii, iv.——Reference to the propositions of Earl Grey, and of Mr. Rickards, for a system of inquiry in certain cases, by a tribunal in connexion with the Board of Trade, the decisions of such tribunal to be embodied in provisional orders, *ib.* iv.——Apprehension lest the foregoing plan would often merely add one stage more to the inquiry, *ib.*——The Committee also hesitate to recommend the adoption of the scheme submitted by Mr. Erskine May, for the establishment of a Judicial Court, independent of the Executive Government, *ib.*——Disapproval of Mr. Whalley's suggestion, that the merits of all Private Bills should be investigated by a permanent tribunal, especially constituted for that purpose, *ib.*

Resolution of the Committee that, considering the large discretion which must necessarily be vested in any tribunal, however constituted, to which may be entrusted the duty of reporting to the House on opposed Private Bills, and the absence of fixed rules for the guidance of such tribunal, it is not expedient that this duty should be performed otherwise than by Committees of the House, *Rep.* x.

See also *Board of Trade. Chairman of Ways and Means. Chairmen of Select Committees. Decisions of Committees. Double Inquiry. Expense. Joint Committee of both Houses. Number of Members of Committee. Paid Chairmen. Preliminary or Local Inquiry. Public, The. Standing Committee of Chairmen.*

U

Uniformity. Want of uniformity in the decisions of the Select Committes on Private Bills, *Adair* 1086——Advantage of a reduction of the number of Chairmen as leading to uniformity of decision and saving of expense, *ib.* 1105-1108——Importance of uniformity of principle being laid down by the proposed standing Committee of Chairmen on questions of finance, &c., *Burke* 1291, 1292——Inaccuracy of conclusions as to there being any real want of uniformity in the decisions, *Coates* 1695-1708. 1788.

Uniformity in different Committees, by means of some definite rules, is exceedingly desirable, *Blenkinsop* 2629, 2630——With respect to the objection to the present tribunal on the ground of the want of uniformity, this would largely be removed by the permanent Chairmen laying down fixed rules, *ib.* 2795——Much greater uniformity of practice since there has been very few Chairmen, *Patten* 3115. 3118.

See also *Decisions of Committees.*

UNOPPOSED BILLS:

Evidence in favour of certain unopposed schemes, now requiring the sanction of a Private Bill, being allowed after a compliance with conditions prescribed in a general Act, *Booth* 39 *et seq.*——It should be sufficient that the Board of Trade, or some other Department should certify, that the conditions of a general Act were complied with, *ib.* 39-42. 48-63——Opportunities to be given to parties to oppose any scheme; stage at which an unopposed scheme should become an opposed scheme, *ib.* 54-56. 65. 83-101——Outline of the measure proposed by witness, showing the proceedings contemplated from the first application for a new line of railway until the first sanction of the scheme, *ib.* 64. 65——Approval of a report to Parliament at the end of each Session, showing the schemes sanctioned by the department as unopposed, *ib.* 67——Examination to the effect, that where a measure is unopposed, it should be assumed without any local enquiry, that the private interests of the promoters are not at variance with the public interests, *ib.* 69-82. 133-139.

Absence of necessity for referring unopposed Bills to two Select Committees, *Rickards* 453, 454——Advantage if, when an unopposed Bill had passed through a Committee of the House of Lords, it should not afterwards be referred to a Committee of the House of Commons, and *vice versa*, *ib.* 454-459——Check through the Chairman of Ways and Means, that unopposed Bills are not at variance with the public interests, *ib.* 460-462.

Advantage of a suggestion made in 1858, that the evidence taken before a Committee on an unopposed Bill in the House, might be communicated to the other House, and serve the purpose of the Committee there, *Lord Redesdale* 743——Objection to giving up the Lords Committee on Bills unopposed in the Commons, *ib.* 743, 744.

Way in which the Board of Trade should deal with unopposed Bills, and greater security thereby to the public interests than by such Bills being looked after by the Committee on Standing Orders and the Committee on unopposed Bills, *Earl Grey* 882. 902, 903.

Proposition that all unopposed Bills be referred to a Standing Committee of Chairmen, for absolute decision, *Burke* 1236.

Further simplification desirable in the case of unopposed Bills, *Bidder* 2351——Great improvement if there were increased facilities for passing unopposed schemes, and if the necessity of bringing them before a Select Committee were obviated, *ib.* 2440-2443.

Suggestion, that various matters for which costly Bills, although unopposed, are now necessary, might be adjudicated upon by the Board of Trade with equal satisfaction to the public, and with much economy to the promoters, *May* 2968-2972. 2974-2985——Any apprehension of a loss of house fees should not interfere with the transfer of the unopposed business, *ib.* 2976-2978——It should be the duty of any department for considering unopposed measures to see that the Standing Orders were duly complied with, *ib.* 2995-2998.

The necessity of a special application to Parliament might with advantage be dispensed with in unopposed cases, but the expense of such cases is not anything excessive, *Baxter* 3245-3248——Objection to unopposed schemes being removed from the immediate supervision of Parliament, *Fowler* 3329-3332——Expediency of a revision and reduction of the House fees on unopposed Bills, *ib.* 3332-3336.

Suggestions by Mr. Rickards with a view to shortening the stages of unopposed Bills, *App.* 347.

Suggestion by Mr. Booth for a system of provisional orders on unopposed Bills to be prepared by officers of the two Houses, *App.* 355.

See also *Board of Trade.* *General Act.*

Unpaid Tribunal. Disapproval of any scheme for a new tribunal out of the House, involving the unpaid services of any Members of the tribunal, *Rickards* 632, 633.

W.

Whalley, George Hammond (*Member of the Committee*). (Analysis of his Evidence.)—Is chairman of six different railways in Wales, which have all been promoted to meet the actual wants of the several districts through which they run; is interested in them to the extent of upwards of 10,000*l.*; 2806–2810——Was the promoter of five of these lines, 2809——Considers that these railways have cost double the amount which they would have done if there had been a satisfactory tribunal and a settled system of jurisdiction; grounds for this conclusion, 2811–2815.

Independent character of the lines in question, although they run into the Great Western, and the London and North Western, at certain points, 2816–2818. 2822–2827——Opposition of the two great companies to the Bills for these lines, and immense expense thrown thereby upon the promoters; improper character of this opposition, as in the case of the Oswestry and Whitchurch line, 2818–2832——Effect of the uncertain and enormous cost of the Parliamentary investigation in deterring the promotion of *bonâ fide* schemes by landowners, &c., 2830–2836. 2853–2855.

Proposition that the Board of Trade shall supply the tribunals for considering railway schemes, that they shall report upon each scheme to the House, and that Parliament shall retain the power of referring each case to a Select Committee as at present, 2837 *et seq.*——Improbability of many cases being referred by Parliament to a Select Committee, so that the enhanced expense of a twofold inquiry would very rarely arise, 2838–2856——Undue power at present of the large companies to prevent the promotion of small useful schemes, 2843. 2847. 2853–2855.

Belief that under witness's scheme the expense of railway projects would be vastly diminished in the great majority of cases; illustration in the case of inclosures, 2851, 2852——Great importance attached to the provisional order system, which is one of the features of witness's Bill, 2856——Uncertainty and expense to be saved by establishing, in the first instance, through means of provisional orders, whether it is for the public interest that any proposed line should be made, *ib.*

Satisfactory operation of the system in France of determining separately the question as to the expediency of the project, 2856——Considerable expense to be saved by witness's scheme on the score of surveys and the inquiries thereupon, *ib.*——Importance of a power in the tribunal to deviate, during the course of the inquiry, from the lines marked on the plan, *ib.*——All parties should have proper facilities for opposing before the proposed preliminary tribunal of the Board of Trade, 2857.

Whalley, Mr. Statement of the leading features of the scheme proposed by Mr. Whalley for an amendment of the present system of legislation relative to railways, *App.* 381, 382——Further statement of the scheme as proposed by Mr. Whalley, with a summary of the leading objections to the present system, *ib.* 382–386——Clauses of the Bill proposed by Mr. Whalley for diminishing the expense attending the passing of Bills relating to railways, and affording facilities for obtaining ample and trustworthy information thereon, *ib.* 387–399.

Resolutions and Draft Report proposed in Committee by Mr. Whalley, *Rep.* xx. xxviii, xxix.

Disapproval by the Committee of the system of inquiry suggested by Mr. Whalley, as often having the effect of merely adding one more stage to the inquiry, *Rep.* iv.

Working Arrangements. Applications for working arrangements to be dealt with by a department, subject to the conditions of a General Act, *Massey*, 810, 811. 822–824.

Proposition by Mr. Booth for a Bill defining the conditions on which Companies might, with the sanction of the Board of Trade, enter into working arrangements, &c., *App.* 343, 344.

Recommendation by the Committee that power be given to Companies to enter into mutual working arrangements, upon compliance with conditions in a General Act, such compliance to be certified by a Government department, *Rep.* ix.

See also *Board of Trade.* *General Act.*

Written Pleadings. See *Affidavits, or Written Pleadings.*

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have formed the following Bills into Groups, and have agreed to report the same to the House:

GROUP A.

Pucklechurch Roads.
St. Asaph Road.
Cheltenham Roads.
Flint, Holywell and Mostyn Roads.
Loughborough, Ashby-de-la-Zouch and Rempstone Road.
Market Harborough and Loughborough Road.
Cleeve and Evesham Roads.
Abergavenny Roads.
Desford Road.
Penzance and St. Just Roads.

GROUP B.

Ashbourne, Sudbury, and Yoxall Roads.
Berwickshire Roads.
Brighouse and Denholme Gate Road.
Darlington and Barton Lane End Road.
Elginshire and Nairnshire Roads, Bridges, &c.
Haddingtonshire Roads.
Newcastle and Carlisle Road.
Standedge and Oldham Turnpike Trust.
Tamworth and Harrington Bridge Road.
Wakefield and Aberford Road.
Wakefield Ings Road.

GROUP C.

Whittle Dean Water.
Rugby Water.
Scarborough Water.
Denbigh Water.
Manchester Corporation Water.

GROUP D.

Accrington Gas and Water.
Sowerby Bridge Local Board.
Newcastle-upon-Tyne and Gateshead Equitable Gas.
Harrogate Gas.
Leyland and Farington Gas.
Rotherham and Kimbolton Local Board of Health.

GROUP E.

Norwich Poor.
St. Luke's (Middlesex) Workhouse.
Dungarvon Harbour, Markets and Improvement.
Queen's Road (Battersea) Extension.
Swansea Municipal Corporation.

GROUP F.

Bristol Docks.
Bristol Port and Channel Docks.
Wear Navigation and Sunderland Docks.
Workington Docks.

GROUP G.

Baggotrath, Donnybrook, &c. Improvement.
Blackrock, Monkstown, and Booterstown Improvement.
Dublin (Corporation) Water.
Mayo (County) Grand Jury Cess.
Wexford Free Bridge.

GROUP H.

Birkenhead Improvement.
Mersey Docks and Harbour Board.
Tranmere Docks.

COMMITTEE OF SELECTION.

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
18 *February* 1863.

47.

Under 1 *oz.*

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made the following alterations in the Groups already formed; have formed the following New Groups; and have agreed to Report the same to the House:

GROUP F.

They have withdrawn the—

Wear Navigation and Sunderland Docks.
Workington Docks.

GROUP J.

Blackfriars Bridge.
Bonelli's Electric Telegraph Company.
Private Telegraph Company.
Regent Market, Leicester-square.

GROUP K.

Exeter Gaol.
North Bierley Gas.
Nottingham Gas.
Bann Navigation.
Deal Improvement.

GROUP L.

Wear Navigation and Sunderland Docks.
Marshland Smeeth and Fen Drainage.
Newhaven Harbour and Ouse Lower Navigation.
Tees Conservancy.

SECOND REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
27 *February* 1863.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made the following alteration in the Groups already formed; have formed the following New Group; and have agreed to Report the same to the House:

GROUP G.

They have added the—

Tramore Embankment.

NEW GROUP.

GROUP M.

Stockport District Water.
Dengie Essex Reclamation.
South London Market.
Horsey Island Reclamation.

COMMITTEE OF SELECTION.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
20 *March* 1863.

FOURTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have formed an additional Group, as follows; and agreed to Report the same to the House:

GROUP N.

Yarmouth Gas [*Lords*].
Edinburgh Water [*Lords*].

FOURTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
5 *June* 1863.

QUARTERMASTERS.

COPY of certain Parts of the CORRESPONDENCE relating to the Condition of the REGIMENTAL QUARTERMASTERS of the ARMY.

(*Sir Frederic Smith.*)

Ordered, by The House of Commons, *to be Printed,*
6 *July* 1863.

414.

Under 3 *oz.*